

<b>MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK</b>
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**FORMAL SESSION  
May 7, 2003**

The Board of Supervisors of Maricopa County, Arizona convened at 9:00 a.m., May 7, 2003, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman; Don Stapley, Max W. Wilson, and Mary Rose Wilcox. Absent: Andy Kunasek, Vice Chairman. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Administrative Officer; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

**INVOCATION**

Bill Scalzo, Chief Community Services Officer, delivered the invocation.

**PLEDGE OF ALLEGIANCE**

Eve Murillo, County Auditor's Office, led the assemblage in the Pledge of Allegiance.

**PET OF THE MONTH**

Gizmo, a well-behaved five-year old Pomeranian-mix dog who was taken to the shelter for adoption when his family moved out of state, was introduced as the "Pet of the Month" from Maricopa County Animal Care & Control. This is the time of year when the animal shelter "gets tons of animals" and Gizmo and many other healthy dogs and cats may be picked for adoption at the Center, 5231 North 35<sup>th</sup> Avenue, after 1:00 p.m. today.

**SERVICE PIN AWARDED TO SUPERVISOR WILCOX**

Chairman Brock presented the 10-year service pin to Supervisor Mary Rose Wilcox, Maricopa County Supervisor from District 5, for her ten years of dedicated service to the citizens of Maricopa County. (ADM650)

Supervisor Wilcox thanked all the County Supervisors, administrators and staff for their help in making it possible for so many projects to be accomplished. She highlighted several notable things from her service period, first thanking her constituents for electing and reelecting her to the honor of serving them. She cited Rose Terrace Housing Project, completed this year; redevelopment of Coldwater Plaza; The Diamondback Stadium (today she is taking 650 intercity kids to the ball game, and has done this once a year since the ballpark opened); the Laveen Conveyance Channel worked on with the Flood Control District; a Little League field in Guadalupe; the Human Service Campus and several others. She said she is a very liberal Democrat and has had to learn to be a fiscal conservative and thanked her Republican colleagues, former and current, for helping her "realize that we had to do some things and toe the line!" In turn she presented a ten-year pin to her Chief of Staff, Terri Leija, who she said has been with her "forever."

Supervisor Stapley congratulated Supervisor Wilcox and reminded her that when he came on the Board in 1994 she had only been here a short while and it was a time "when a lot of change was in the wind." He joked that he really hoped she would run again next year – when all the Supervisors are on the ballot together – because he "would hate to go through another nine years of training another Democrat." He wished her continued good luck.

**INSTITUTE OF INTERNAL AUDITORS' COMMITMENT TO QUALITY IMPROVEMENT AWARD**

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Chairman Brock recognized Ross Tate, Maricopa County Internal Auditor, and the Internal Audit Department for receiving The Institute of Internal Auditors' Commitment to Quality Improvement Award, which was given to only eight Internal Audit Departments in the United States this year. Three categories are considered in this award, 1. Professional Excellence, 2. Quality of Service, and 3. Professional Outreach. He presented the award to Mr. Tate and audit managers, Eve Murillo, Sandy Chockey and Joe Seratte. (ADM2600)

**RECOGNITION OF VOLUNTEER GROUPS**

Stephanie Brown, MCDOT, recognized the following volunteers and volunteer groups who have been working with the Adopt-A-Highway Program at MCDOT. This program began in 1990 and there are now more than 160 groups that agree to spend some of their free time picking up trash along the 300 miles of County roads. Supervisor Stapley accepted the award for Jim and Vickie Hooker, Hooker Enterprises Painting, in recognition for their dedication and maintaining the cleanliness and beauty of Maricopa County's roadways since 2001. He said the Sierra Club, Grand Canyon Chapter, has been involved since 1992 and maintains a five-mile stretch on the McDowell Mountain roadway and the plaque was presented to their representative, Michael Brady. Ms. Brown presented a plaque to Bill and Dee Hawk and Bob & Cathy Savoy and to the New River/Desert Hills Community Association with appreciation to all for their work and dedication. Supervisor Wilcox presented the plaque to the Cesar Chavez High School Jr. ROTC who maintained 43<sup>rd</sup> Avenue from Elliott to Baseline Roads in 2002 and 2003. Chairman Brock and Supervisor Wilson thanked all who make the effort to keep Maricopa County cleaner and greener. (ADM631-003)

**PROCLAMATION DECLARING MAY AS OSTEOPOROSIS MONTH**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1), to proclaim May as Osteoporosis Month in Maricopa County. Supervisor Wilcox read the proclamation. (ADM654)

**PROCLAMATION**

**WHEREAS**, three out of four U.S. women aged 65 years or older have osteoporosis or low bone mass, and, in 2002, the U.S. Preventative Services Task Force recommended routine osteoporosis screening for all women in this age group. YET, fewer than 1 in 10 received a Medicare-reimbursed bone density test in 2001, and

**WHEREAS**, women with osteoporosis are at a high risk of fracture in the near term. A recent study projected that 2.4 million fractures would occur during 2001 – 2003 among the 5.1 million U.S. women aged 65 years and older with osteoporosis, and

**WHEREAS**, over 390,000 Arizona residents were estimated to have osteoporosis or low bone mass in 2002, and prevalence is expected to grow 82% to over 715,000 by 2015, and

**WHEREAS**, height loss and back pain may be caused by spine fractures, and a postmenopausal woman with a spine fracture has a 1 in 5 chance of another spine fracture within a year, and

**WHEREAS**, osteoporosis was estimated to caused 18,994 fractures in Arizona in 2000, at a cost of over \$236 million and the number of osteoporotic fractures in Arizona is projected to grow 31% to over 35,522 in 2025, at a cost of over \$438 million, and

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**WHEREAS**, Bone Builders, the University of Arizona Cooperative Extension, and the Arizona Osteoporosis Coalition has been educating women of all ages and races plus health professionals that osteoporosis is a preventable and treatable disease, and

**WHEREAS**, during this month, Bone Builders, the University of Arizona Cooperative Extension, and the Arizona Osteoporosis Coalition will encourage women to find out how they can maximize osteoporosis management by staying active, practice good nutrition, knowing their risk, and understanding treatment options that help prevent fractures, and

**NOW, THEREFORE, BE IT RESOLVED**, that the Maricopa County Board of Supervisors, in the State of Arizona do hereby proclaim May to be Osteoporosis Prevention Month throughout Maricopa County. We encourage all Maricopa County residents to honor our mothers, raise awareness of osteoporosis, and enable women to obtain the advantage of fast fracture protection by managing osteoporosis and maintaining bone health through good nutrition and physical activity.

**DATED** this 7<sup>th</sup> day of May 2003.

/s/ Chairman Fulton Brock, District 1  
/s/ Supervisor Don Stapley, District 2  
/s/ Supervisor Andy Kunasek, District 3  
/s/ Supervisor Max Wilson, District 4  
/s/ Supervisor Mary Rose Wilcox, District 5

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**PUBLIC HEARING - AIR POLLUTION CONTROL REGULATIONS**

This is the time scheduled for a public hearing as required by Arizona Revised Statutes §49-479(b), to solicit comments on proposed revisions to the Maricopa County Air Pollution Control Regulations: Rule 204 (Emission Reduction Credits for the Arizona Emissions Bank), Rule 210 (Title V Permit Provisions), Rule 220 (Non-Title V Permit Provisions), and Rule 240 (Permit Modifications for New Major Sources and Major Modifications to Existing Major Sources) and to solicit comments on submitting the rule as a revision to the (Arizona) State Implementation Plan (SIP).

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to adopt proposed revisions to Maricopa County Air Pollution Control Regulations, Rules 204, 210, 220 and 240, and to submit the rules as a revision to the (Arizona) State Implementation Plan. (C88030337) (ADM2354)

**PUBLIC HEARING – DEANNEXATION/ANNEXATION – FOUNTAIN HILLS**

Pursuant to A.R.S. §9-471.02, this is the time scheduled for a public hearing regarding ordinances filed by the City of Scottsdale and the Town of Fountain Hills deannexing and annexing certain territory within their present corporate limits. The City of Scottsdale will deannex, and the Town of Fountain Hills will annex Tracts K, J, and P of Cordillera at Copperwynd, a subdivision plat recorded in Book 483 of Maps, Page 8, Records of Maricopa County, Arizona, approximately 1.69 acres.

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve this deannexation/annexation. (Continued from meeting of April 16, 2003.) (ADM4223)

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**PUBLIC HEARING - PEST ABATEMENT DISTRICT NO. 3 - WITHDRAWN**

Pest Abatement District No. 3 – This is the time scheduled for a public hearing, pursuant to ARS §48-261, §48-263 and §48-2101 et seq, on the impact statement for a Pest Abatement District in the southwest valley generally bounded by Litchfield Road on the west, Lower Buckeye Road on the north, 51st Avenue on the east, and Baseline Road on the south. The Board will hear those who appear for or against the proposed Pest Abatement District and determine if the district will promote public health, comfort, convenience, necessity or welfare. If the Board determines that the above criteria and related requirements outlined in the statutes (i.e. endorsing resolutions or ordinances from incorporated cities or towns within the proposed district) are met it shall authorize the persons proposing the district to circulate petitions as provided by law. (Continued from meeting of March 19, 2003.) (ADM4487)

**Clerk of the Board Fran McCarroll said this item was withdrawn by the applicant to reevaluate the need for their area.**

**LIQUOR LICENSE APPLICATION**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox and seconded by Supervisor Kunasek, to recommend approval of the following liquor license applications:

- a. Application filed by Michael J. Basha for a Series 9, Transfer-of-Location Liquor License: (LL6086)  
  
Business Name: Bashas' No. 130  
Location: 5115 North Dysart Road, Litchfield Park  
Old Location: 8040 North 19<sup>th</sup> Avenue, Phoenix
- b. Application filed by Karen Elizabeth Alexander for an Original, Series 12 Liquor License: (LL6087)  
  
Business Name: Gavilan Peak Pizzeria & Lounge  
Location: 46639 North Black Canyon Highway, Suite 3 and 4,  
New River

Motion carried by majority vote (3-1-1) with Supervisors Stapley, Wilson and Wilcox voting "aye" and Supervisor Brock voting "no." (Supervisor Kunasek was not present at this meeting.)

**CRITICAL MARKET SALARY INCREASES**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve critical market salary increases for the following five Appraiser positions in the Assessor's Office, retroactive to March 31, 2003. Approval of this item allows the Assessor's Office to retain critical employees and avoid having an adverse effect on the Assessor's Office's ability to gather accurate property assessment information, which is directly related to generating revenue. (C1203004M) (ADM3308-001)

- One Appraiser II Position from \$11.25 to \$12.45 per hour
- One Appraiser II Position from \$12.15 to \$12.76 per hour

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- Three Appraiser II Positions from \$12.30 to \$12.92 per hour.

**GRANT FUNDING FROM OFFICE OF JUSTICE PROGRAMS, OFFICE FOR VICTIMS OF CRIME,  
DEPARTMENT OF JUSTICE**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve receipt of additional grant funds from the Office of Justice Programs, Office for Victims of Crime, Department of Justice FY 2002-2003 for the Crime Victim Compensation Program (VOCA allotment) in the amount of \$312,747. The Arizona Criminal Justice Commission Certification No. VC-03-056 funding shall commence on October 1, 2002, and will terminate on September 30, 2003. The allocated funds may not be expended for any costs that may be incurred by the County Attorney's Office or Maricopa County for the administration of this grant. This amendment will increase the County Attorney's revenue and expenditure levels for the County Attorney Grant Fund (219) in FY 2002-2003 by \$121,327. Grant revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C1902063301)

**TRANSFER OF REVENUE AND EXPENDITURE AUTHORITY**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the following actions: (C19030478) (ADM3426) (ADM400-003)

- a) Per A.R.S. §42-17106(b), approve the transfer of revenue and expenditure authority between the General Government Fund (210) and the Victim Compensation and Assistance Fund (268). This action will require a revenue and expenditure appropriation adjustment decreasing the FY 2002-2003 General Government Fund (210) by \$53,000 and increasing the FY 2002-2003 Victim Compensation and Assistance Fund (268) by \$53,000. These adjustments will result in a countywide net impact of zero.
- b) Increase the Victim Compensation Restitution Interest Fund (269) FY 2002-2003 expenditure budget of \$100,000 (from \$200,000 to \$300,000). The "non-local" fund revenue consists of interest earnings on court-ordered restitution. Approval of this item would authorize the County Attorney's Office to expend an additional \$100,000 from the balance of the Victim Compensation Restitution Fund (269).

**APPROPRIATE LEGAL ACTION NEEDED TO PROTECT COUNTY'S INTEREST IN THE CASE OF  
STATE v. HYDE**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to authorize all appropriate legal action needed to protect the County's interests in the case of State v. Hyde, (CR 1991-002152), including any proceedings necessary to be brought in the Court of Appeals or Arizona Supreme Court. (Discussed in Executive Session on May 5, 2003.) (C1903350M) (ADM413)

**AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH TOWN OF QUEEN CREEK AND  
ADDITION TO THE FLEET**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve Amendment No. 3 to the Intergovernmental Agreement between the Maricopa County Sheriff's Office and the Town of Queen Creek to allow for the one-time purchase of one fully equipped

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police patrol vehicle. This action will result in an addition to the fleet and require an appropriation adjustment increasing the Sheriff's Office General Fund (100) revenue and expenditures by \$42,800. The revenue and expenditure increase is allowable because the overall FY 2002-2003 County budget has been reduced below the level originally set by the Board at the Final Budget Adoption in July 2002. (C5003011203) (ADM3100)

**APPROPRIATION TRANSFER AND BUDGET ADJUSTMENT**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve an appropriation transfer and budget adjustment of not-to-exceed \$300,000 from General Government, General Fund Reserved Contingency to the Sheriff's Office General Fund for fuel costs that cannot be absorbed elsewhere within the Sheriff's Office. The reserved contingency funds being requested were originally reserved for overtime. The Sheriff's Office is requesting that the reserved overtime funds be reprogrammed for fuel. (C50030618) (ADM3900-003)

**ADDITIONS TO FLEET**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the following additions to fleet:

- a) One SPUDNIK Potato Van Unloader for \$63,941, to be used to unload donated potatoes, oranges, grapefruits and other fruits and vegetables; and one trailer & car wash system for \$15,270, to be used to sanitize trailers that will be used to transport retherm carts (meals) to the new jails from the food factory. Both of these items will be used in the Jail Central Service Complex, Distribution Division. These amounts include tax and were funded in FY 2002-2003 adopted budget. (C5003069M) (ADM3900-002) (ADM3900-002)
- b) Two vehicles (2001 Ford F-150 XLT pick-up truck with 36,770 miles, valued at \$17,000, and a 2001 Ford Crown Victoria with 20,620 miles, valued at \$15,000), acquired with Jail Enhancement Funds to be used in patrolling Tent Jail facilities. Establishment of this regular patrol is intended to reduce the amount of contraband making its way to the interior of the fence and increase the monitoring of inmate activities in the yard. Estimated fuel, repair, and maintenance for each of these vehicles is \$5,000 per year. Detention funds will be used to support this activity. (C5003071M) (ADM3100)

**WAIVER TO LEAVE PLAN**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve a waiver to leave plan from February 14, 2003, through August 14, 2003, for Sergeant Bill Hindman who was seriously injured as a result of an "Act of Violence" through no fault or negligence of his own, while serving in the line of duty, on September 2, 2000. An alcohol and drug impaired driver crashed into Sgt. Hindman while he was monitoring traffic during a DUI task force assignment. Since that time Sgt. Hindman has undergone four surgeries, with the most recent being performed on February 14, 2003. He will need time off for recovery, physical therapy, and follow-up doctor's appointments. Wage and Benefit Protection was approved by the Board on October 18, 2000, for a period of one year. A six-month extension was approved by the Board on October 17, 2001. Sergeant Hindman was able to return to work from April 2002 until his most recent surgery in February 2003. (C5003072M) (ADM3320)

**RATIFICATION AND CONTINUATION OF FIVE MONTHLY VEHICLE/EQUIPMENT RENTALS**

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Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve ratification and continuation of five monthly vehicle/equipment rentals that will permit the Sheriff's Office to continue utilizing these units acquired from Courtesy Leasing that are not covered under the existing contract for vehicle rental (Serial 00089-R). Specialty vehicles/equipment items are used by the Sheriff's Office for criminal investigations. These special units are critical to the investigative work and operations of the Sheriff's Office and are funded within current appropriations. An earlier agreement (Serial 97073-R) between the Sheriff's Office and Courtesy Leasing implied a provision for rental of specialty vehicles/equipment with unspecific terms. This agreement expired on March 31, 2001, and the Sheriff's Office has continued renting those specialty vehicles/equipment from Courtesy. These include a freightliner which transports the mobile command center, a fifth wheel used as an office on criminal investigation locations, a van equipped with forensic and computer capabilities for on sight criminal investigation work and two animal cruelty units. These special units are critical to the investigative work and operations of the Sheriff's Office and have been supported within the Sheriff's appropriation. This ratification will allow use of these specialty units to continue until a new contract is approved and these units can be replaced. (C50030731)

#### **TRANSFER OF EXPENDITURE AUTHORITY**

Per A.R.S. §42-17106(b), motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the transfer of expenditure authority between the General Government Fund (210) and the Justice Court Judicial Enhancement Fund (204). This action will require an expenditure appropriation adjustment decreasing the FY 2002-2003 General Government Fund (210) by \$23,130 and increasing the FY 2002-2003 Justice Court Judicial Enhancement Fund (204) by \$23,130. These adjustments will result in a countywide net impact of zero. Approval of this action will permit Justice Courts an exemption from the Funded Positions Policy by allowing for one-time funding to create a new Chief Financial Officer position. (C24030098) (ADM3426) (ADM1200)

#### **TRANSFER OF REVENUE AND EXPENDITURE AUTHORITY**

In accordance with A.R.S. §42-17106(B), motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the transfer of revenue and expenditure authority between the General Government Fund (210) and the Public Defender Fill the Gap Fund (262). This action will require an appropriation adjustment decreasing the FY 2002-2003 General Government Fund (210) revenue and expenditures by \$88,920 and increasing the FY 2002-2003 Public Defender Fill the Gap Fund (262) revenue and expenditures by \$88,920. These adjustments will result in a countywide net impact of zero. (C52030038) (ADM3426) (ADM500)

#### **SETTLEMENT OF BANNER HEALTH SYSTM v. ARIZONA DEPARTMENT OF ECONOMIC SECURITY, VALUE OPTIONS, INC., ARIZONA SUPREME COURT ADMINISTRATIVE OFFICE OF THE COURT AND MARICOPA COUNTY**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the settlement of Banner Health System v. Arizona Department of Economic Security; Value Options, Inc., Arizona Supreme Court Administrative Office of the Court; and Maricopa County (No. CV2003-003413), subject to the terms of a Settlement Agreement, the final form of which will be approved by the Division of County Counsel, Maricopa County Attorney. (Discussed in Executive Session on April 14, 2003.) (C39030137) (ADM409)

#### **PERSONNEL AGENDA**

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Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the Personnel Agenda (Judicial Branch and Maricopa County). (List on file in the Clerk of the Board's Office.)

**AMENDMENTS TO FY 2002-2003 FIVE-YEAR CAPITAL IMPROVEMENT PLAN**

In accordance with A.R.S. §42-17106(B), motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to authorize the following amendments to the FY 2002-2003 Five-Year Capital Improvement Plan: (C49030328) (ADM1820)

- a) Move the following projects and corresponding budgets and previously approved CIP Agenda item amendments from the County Improvement Fund (fund 435) to the new "General Fund Capital Projects Fund" (fund 445):
  - Downtown Property Development/Acquisition
  - Justice Courts
  - Southeast Regional Property Acquisition
  - Facilities Management Building
  - Forensic Science Center
  - New Administrative Services Building
  - Security Building
  - Land Acquisition near Lake Pleasant
  - Project Reserve
- b) Eliminate the transfer of \$36,250,000 from General Fund Project Reserve to the County Improvement Fund (fund 435). Instead, transfer \$36,250,000 from General Fund Project Reserve to the new "General Fund Capital Projects Fund" (fund 445);
- c) Restate prior year expenditures of \$224,922 with an operating transfer (Facilities Management Building \$213,916, Southeast Regional Property Acquisition \$11,000 and Downtown Property Development/Acquisition \$6) from the County Improvement Fund (fund 435) to the new "General Fund Capital Projects Fund" (fund 445); and
- d) Increase the transfer from the General Government Grants Fund (Fund 249) by \$278,005 (from \$17,766,301 to \$18,044,306) into the Intergovernmental Capital Projects Fund (fund 422) due to increased revenue from Interest Earnings. This transaction will be offset by corresponding adjustments to the Eliminations Fund, resulting in a net impact of zero.

**FY 2003 MIHS HEALTH PLAN GAINSHARING PROGRAM**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to Approve the "FY 2003 MIHS Health Plan Gainsharing Program" for MIHS Health Plan per the Employee Gainsharing Programs Policy (HR2491). (C35030210) (ADM3345-001)

**MIHS HEALTH PLAN GAINSHARING PROGRAM  
FY 2003**

**WHAT?**



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Eligible Maricopa Integrated Health System (MIHS) employees will receive a goal results incentive award if the departmental strategic goals related to MIHS' Health Plans are achieved.

**WHY?**

The MIHS Health Plan is using a results-oriented compensation tool to facilitate the achievement of the following strategic goals, which are derived from the Department's Managing for Results (MFR) Strategic Plan:

On an ongoing basis, develop and implement strategies to enroll and retain health plan membership at a profitable margin to meet/exceed composite health plan earnings projections to support the provision of health care programs and services to MIHS customers

**WHO?**

All "contributing" employees (excluding temporary and initial probationary employees) who have been employed by MIHS for at least six consecutive months are eligible. Contributing employees are defined as those employees directly associated with the successful attainment of the MIHS Health Plan Gainsharing Program Goals.

The employee's individual performance must meet or exceed departmental standards during the Measurement Period. The employee must have actively contributed toward the goals of the plan for at least one half of the Measurement Period. If an employee completes six consecutive months of employment with the Health Plan and subsequently completes initial probationary status before the end of the Measurement Period, the employee will be eligible to receive an incentive award if the employee actively contributed toward the goals of the plan for at least one half of the Measurement Period.

Employees must be working for the Health Plan on the date of award distribution. Employees who leave the department or have given notice that they are leaving the department (other than retirement) prior to a distribution of monies will forfeit any gainshare normally due them.

**HOW?**

MIHS designed its FY03 Gainsharing Program to enhance the array of management tools available to MIHS in support of the attainment of Health Plan goals and objectives for FY03 as delineated in MIHS' Managing For Results (MFR) Plan. Goals and objectives focus on the management and reduction in medical costs which represent the vast majority of expenses facing the health plan, the achievement of growth in health plan membership via new membership capture and retention of existing membership, increases in provider and member satisfaction, and the resultant enhanced profitability for MIHS' Health Plans. The Gainsharing Program has a specific award structure that is derived from the attainment of certain mandatory and variable program requirements, each explained in detail below.

**AWARD COMPOSITION:**

Award amounts shall be no more than \$2,000 per eligible employee per fiscal year. Awards will be made exclusively by line of business and in direct relationship to the total revenue collected by the MIHS Health Plan.

**MANDATORY PROGRAM REQUIREMENTS:**

1. Member Satisfaction:

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Maintain an annual member satisfaction score greater than or equal to the prior year's score as produced by Maricopa County's Research and Reporting Department and reported in MIHS' Managing For Results Plan.

This goal must be met or exceeded in order for a Gainsharing award to be realized.

Compensation: 0%  
Data Source: Global survey performed by Maricopa County's Research and Reporting Department.

Target Score: 88%  
Prior Year's Score: FY02 composite score of 88%  
Frequency: Quarterly  
Survey results for the April to June measurement period will be available by July 30, 2003.

2. Regulatory Compliance/Accreditation Entities:

For each line of business:

(A) MIHS Health Plans shall secure favorable accreditation/compliance review from all accrediting/regulatory compliance entities, including but not limited to, Residency Review Committee (RRC), Joint Commission on Accreditation of Healthcare Organizations (JCAHO) and Centers for Medicare and Medicaid Services (CMS) as applicable to MIHS Health Plan for the measurement period (April through June).

(B) MIHS Health Plan shall avoid being placed in or on administrative monitoring status/watch or other probationary status by accrediting or funding entity.

Any line of business that does not meet this criteria will not factor into the Gainsharing award calculation.

Compensation: 0%  
Data Source: MIHS Health Plan Internal Audit Tracking Report

3. Cash Balance and Operating Margin (100% of the total Gainsharing Award):

MIHS Health Plan shall generate sufficient cash balance per line of business through revenue development/operational efficiency AND achieve an increase in the operating margin per line of business, except for the MSSP line of business, as defined in the table below:

<u>Line of Business</u>	<u>Average Daily Cash Balance Target</u>	<u>FY03 Operating Margin Target</u>
MLTCP	Greater than or equal to \$76,131,000	Greater than or equal to 4.95%
MHP	Greater than or equal to \$20,141,000	Greater than or equal to 6.15%
HealthSelect	Greater than or equal to \$ 2,774,000	Greater than or equal to 12.77%

The Average Daily Cash Balance Targets above represent the time period April 1, 2003 through the last day prior to the Health Plan's redistribution of cash to the Delivery System (typically accomplished the last week of each fiscal year) and the distribution of the incentive paid to the employees.

If the FY03 budgeted operating margin of -7.685% is not achieved for the MSSP line of business, the amount will be deducted from the Employee Gainsharing Pool.

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Operating margin is calculated net of interest income.

Lines of business that do not meet this criteria will not factor into the Gainsharing calculation.

Compensation: Up to 100%  
Data Source: MIHS Health Plan Finance

See Attachment A for the program flow diagram.

**SAVINGS/REVENUE:**

Funding for the gainsharing program is based on the improvements in the operating margins for 3 lines of business (MLTCP, MHP and HealthSelect). This is based on the current accounting procedures and policies. If there are any material changes in the accounting procedures and policies will result in the need for a restatement of the gainsharing program results against the procedures and policies in place at the time the gainsharing program was approved. Material changes include, but are not limited to, the following:

1. Any increase in the days in medical claims payable from the end of October 2003 must be used to reduce the cash balance. For example, if an increase in medical claims payable is experienced cash should be reduced by that amount.
2. All cash amounts must be reconciled to the County's Cash Reports generated by the County Administration Finance Department. Any agreed upon reconciling entries should be applied to the internal financial statement cash. Note that any large increases in outstanding warrants and expense clearing accounts should be researched and adjustments made as necessary.
3. Any transfers of cash between the Delivery System and Health Plans should be reviewed to assure that they are appropriate. More importantly then over transferring cash are transfers, which were required but not made. This can be reviewed in light of historical cash balances of MMC and the historical trend/policy in transferring cash between the Delivery System and Managed Care. No transfers to the Deliver System should be made from MSSP since this plan is not included in the Gainsharing Program.
4. Any changes in cash or operating margins, which occur after the end of the incentive period should be reviewed to determine impact on paid incentives. Any negative impacts are assumed to be applied to any potential payments in future periods as opposed to soliciting refunds from employees paid.
5. Final cash balances in each of the MIHS related funds should be reviewed for any significant changes to assure all transactions impacting the cash balances are fully explained and agreed to.

At least 50% of the savings will be returned to the MIHS Enterprise Fund, with the remainder being available for the Employee Gainsharing Pool.

**INCENTIVE DISTRIBUTION**

Awards are applied equally to all Contributing employees subject to eligibility requirements. The maximum distribution per eligible employee is \$2,000 per fiscal year. Since the program is based on one measurement period (April 1, 2003 though June 30, 2003), the maximum distribution per eligible employee is \$500. Awards will be made exclusively by line of business and in direct relationship to the total revenue collected by the MIHS Health Plan. Any excess money remaining in the employee gainshare pool after the distribution to the employees is transferred into MIHS Enterprise Fund.

**WHEN?**

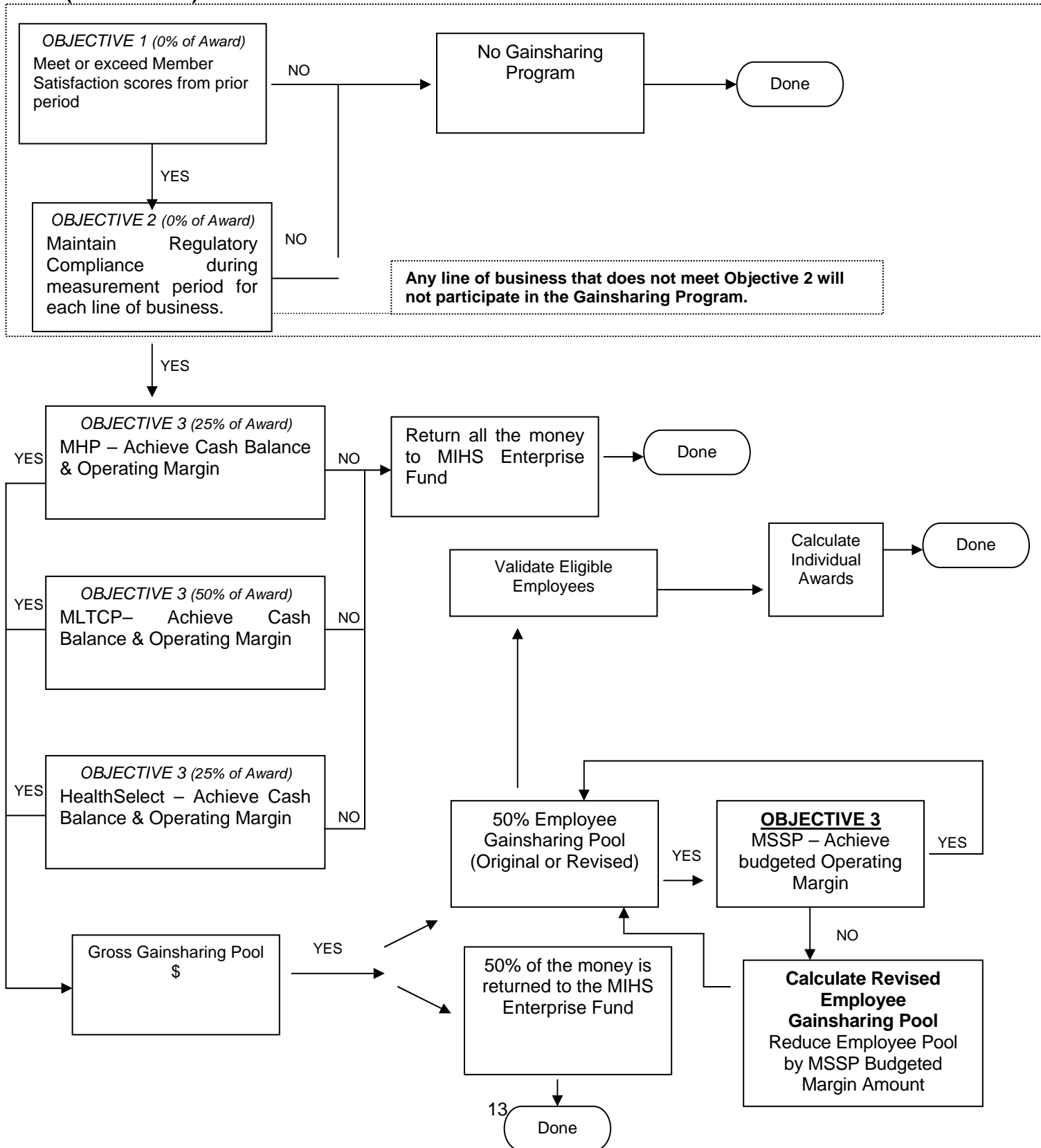
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The measurement period for the Gainsharing Program is from April 1, 2003 and ends on June 30, 2003. All eligible employees will receive any Gainshare Program award as soon as possible after the close of the fiscal year and no later than September 30, 2003.

MIHS Health Plan Gainsharing Program - FY03

(Attachment A)



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**HUD REQUIRED PLANS FOR FEDERAL FY 2003**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the following actions regarding HUD required plans for federal FY 2003 Community Development Block Grant (CDBG) and HOME allocations (\$9,454,873); HURF funds (\$300,000) (Please note that the \$300,000 HURF funds will be administered by McDOT); and CDBG Contingency Funds (\$210,000); including specific Urban County CDBG & HOME projects and Maricopa HOME Consortium Community Housing Development Organization (CHDO) projects: (C17040010ZZ) (ADM1500)

- a) adopt a resolution for the submission of the Annual Plans, including any plan amendments in the not-to-exceed amount of \$9,964,873;
- b) execute agreements/contracts with each city/town/agency/developer/CHDO selected for CDBG/HOME funding;
- c) perform actions in accordance with the Maricopa County Procurement Code to:
  - i. retain consultants for design and/or management;
  - ii. approve plans and specifications and authorize call for bids;
  - iii. award construction contracts to the lowest responsible bidder(s); and,
- d) approve match agreements and necessary repayment documents, including, but not limited to promissory notes, deeds of trust, forgivable loan agreements, deed restrictions, satisfaction of loan documents and other documents as may be necessary to implement the approved projects. Funding to be from CDBG, HOME, HURF and matching funds under the terms and conditions of the executed agreements/contracts. Approval of this item is contingent on the approval of both the federal and Maricopa County FY 2003-2004 budgets. Funds have been allocated and appropriated by the US Congress. No General Funds involved in this action.

**RESOLUTION - DECLARE THE COMMUNITY OF HOPEVILLE A COLONIA**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to adopt a resolution declaring the community of Hopeville, Arizona, a colonia in accordance with USDA federal regulations Title 7, Chapter XVII, Part 1777--Section 306. (C1703081M) (ADM1500)

**RESOLUTION**

**RELATING TO HOUSING AND INFRASTRUCTURE SYSTEMS; DESIGNATING THE UNINCORPORATED AREA OF HOPEVILLE LOCATED WITHIN MARICOPA COUNTY AS A COLONIA**

**WHEREAS**, a "Colonia" development as defined by the United States Department of Agriculture has occurred in the unincorporated area of Hopeville, and

**WHEREAS**, communities which lack potable water supplies, adequate sewage systems, drainage, and/or decent, safe and sanitary housing are eligible for designation as a Colonia, and

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**WHEREAS**, designation as a Colonia is necessary before certain state and federal funds can be made available to improve infrastructure systems and housing within those communities, and

**WHEREAS**, the unincorporated community of Hopeville existed as a Colonia before October 1, 1989:

**NOW, THEREFORE, BE IT RESOLVED** that the unincorporated community of Hopeville, Maricopa County, Arizona, is hereby designated as a Colonia because of the lack of adequate potable water supply, adequate sewage system, and/or decent, safe and sanitary housing.

**DATED** this 7<sup>th</sup> day of May 2003.

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**RESOLUTION – 2003 AGENCY AND CAPITAL FUNDING PLANS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to adopt a resolution approving the 2003 Agency and Capital Funding Plans for the Housing Department as required by the U. S. Department of Housing and Urban Development (HUD) under Section 511 of the Quality Housing and Work Responsibility Act of 1998. (C6603003M) (ADM2403)

**RESOLUTION**

**RESOLUTION APPROVING THE 2003 AGENCY AND CAPITAL FUNDING PLANS  
FOR THE HOUSING DEPARTMENT AS REQUIRED BY THE U.S. DEPARTMENT OF  
HOUSING AND URBAN DEVELOPMENT (HUD) UNDER SECTION 511 OF THE  
QUALITY HOUSING AND WORK RESPONSIBILITY ACT (QHWRA) OF 1998**

**WHEREAS**, the U.S. Department of Housing and Urban Development (HUD) requires that housing agencies develop Agency and Capital Funding Plans to address housing issues, and

**WHEREAS**, the Agency Plan is comprised of a one-year plan and a five-year plan, and

**WHEREAS**, the Agency and Capital Funding plans were developed in consultation with input from residents, partnering agencies and staff, and

**WHEREAS**, we have complied with the statutory requirements of QHWRA and have ensured that our goals as identified in the Plan are consistent not only with the Maricopa County Consolidated Plan, but also conforms to the County's Managing for Results Program; and

**WHEREAS**, the Maricopa County Housing stock will be sufficiently maintained, additional stock will be constructed:

**NOW, THEREFORE, BE IT RESOLVED** by the Maricopa County Board of Supervisors that the Maricopa County Housing Department's 2003 Agency and Capital Funding Plans be approved as required by the U.S. Department of Housing and Urban Development under Section 511 of the Quality Housing and Work Responsibility Act of 1998.

**DATED** this 7<sup>th</sup> day of May 2003.

/s/ Fulton Brock, Chairman of the Board

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ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**INTERGOVERNMENTAL AGREEMENT WITH TOWN OF GUADALUPE**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve and sign an Intergovernmental Agreement between Maricopa County and the Town of Guadalupe, Arizona. The IGA allows the Sun Circle Trail to pass through the Town of Guadalupe in order to make the connection between the proposed Guadalupe Road Bridge over I-10 and the Highline Canal on the east border of Guadalupe. The Sun Circle Trail is an existing multi-modal trail, which will eventually become a 110-mile loop around the valley. The Guadalupe Bridge/Sun Circle Trail facility will close a gap in the trail that exists over I-10 at Guadalupe Road. The existing bridge does not have sufficient width to accommodate a multi-modal trail. The Arizona State Transportation Board has awarded the county a \$797,080 Transportation Enhancement Act of Twenty-First Century (TEA-21) Grant to design and build a multi-modal trail bridge. The TEA-21 Grant will allow for the design and construction of additional bridge width. The project will consist of a 12' wide path on a 290' long bridge and an 8-10' wide path on 1630' of approaches adjacent to Guadalupe Road and bridge. The county's share of the project was funded with Agenda Item C30010333 on June 20, 2001. A requirement by the Arizona Department of Transportation (ADOT) before design of the bridge would be started was to have agreements or right-of-way on both sides of the proposed bridge crossing. There is existing right-of-way on the west side of the bridge. This agreement will allow the Sun Circle Trail to pass through the Town of Guadalupe on the east side to the bridge and connect to the Highline Canal right-of-way. (C30030182)

**TRANSFER OF FUNDS – SOLID WASTE- WITHDRAWN**

Authorize the transfer of \$36,000 from General Fund Appropriated Fund Balance General Contingency to General Fund Appropriated Fund Balance Other General Fund Programs for the purpose of conducting a Household Hazardous Waste (HHW) event for the Sun City and Sun City West Residents in May 2003. The event will be conducted by the Solid Waste Management Department (SWMD). The total cost will not exceed \$44,000. It should be noted that \$8,000 will be paid from District 4 special project funds in General Government. (This is Addendum Item A-1 and it replaces item 29, Page 8 of the regular Formal Agenda.) (C6703001M) (ADM2075)

**Clerk of the Board Fran McCarroll said this item has been withdrawn.**

**FUND TRANSFERS**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, work authorizations, journal entries, allocations, loans, and paid claims. Said claims having been recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and incorporated herein by this reference.

**REVISED GENERAL TRAVEL POLICY (A2313) AND RESCIND OTHER RELATED POLICIES**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to adopt revised policy A2313 General Travel Policy and Travel Manual as a Countywide policy. And rescind the following policies: A2314 Travel Agency; A2315 Travel Advances; A2316 Conferences, Seminars, and Meetings; A2317 Travel – Transportation; A2318 Travel – Rented Motor Vehicles; A2319



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Travel – Air Travel; A2320 Travel – Meals/Per Diem; A2321 Travel – Incidental Expenses; A2322 Travel – Lodging; A2323 Travel – Out of Country; and Federal Publication 1542 – Per Diem Rates. During the past year, the Travel Focus Group comprised of members from Finance, Human Resources and Materials Management revised policy A2313 - General Travel Policy (formerly known as General Travel Guidelines). The purpose of A2313 - General Travel Policy is to establish policies and procedures governing the travel activities of Maricopa County Elected Officials and employees in accordance with ARS §38-621 et seq. This policy defines the overall responsibility for travel and travel-like expenditures. One of the primary objectives of the group was to streamline the policies. Therefore, the revised policy is a compilation of the Maricopa County Travel and Travel-Related Policies. (Policy on file in the Office of the Clerk of the Board.) (Continued from meeting of April 16, 2003.) (C18030166) (ADM658)

#### **ACCEPT BIDS RECEIVED FOR THREE SURPLUS PROPERTIES SOLD AT PUBLIC AUCTION**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to accept the highest bids received for three surplus properties sold at public auction on April 16, 2003, pursuant to authorization given by the Board on December 18, 2002, in agenda number C18030108, and authorize the Chairman to execute all documents necessary to complete the sales.

- A 12.7-acre commercial portion of Assessor Parcel No. 102-30-004E appraised for \$1,750,000. The minimum bid was \$1,575,000. The highest bid received was \$1,911,000.
- A 5.5-acre parcel, Assessor Parcel No. 103-12-002D, appraised for \$750,000. The minimum bid was \$675,000. The highest bid received as \$702,000.
- A 0.3-acre remnant parcel in Chandler, Assessor No. 304-55-n/a, was appraised at a nominal value of \$1,000. The minimum bid was \$1,000. The highest bid was \$5,100.

When the current sales are completed the total revenue realized by Maricopa County will be \$2,470,100. The public auction for these properties and others was advertised and conducted pursuant to A.R.S. §11-251.9. Three parcels included in the auction did not receive bids. The unsold parcels can be included in the next public auction of surplus land. (C1803026B) (ADM812)

#### **SUPPLEMENTAL LEASE AGREEMENT WITH U.S. OF AMERICA, BUREAU OF LAND MANAGEMENT**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve Supplemental Lease Agreement (SLA) No. 7 to Lease No. GS-09B-95867 with U.S. of America, General Services Administration (GSA) on behalf of the Bureau of Land Management (BLM). This SLA amends the rentable square footage of BLM's space in the County owned Security Center Building at 234 North Central, Phoenix. The rentable area has been reduced by 1,661 square feet for a total of 48,434 square feet at an annual rate of \$576,138.76 or \$48,011.56 per month, effective January 1, 2003. (C70020934) (C18030270) (ADM811-002)

#### **SOLICITATION SERIALS**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the following solicitation serial items. The action on the following items is subject to County Counsel's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

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**Sole Source:**

Award a sole source for DuPont MXLD 50 Mylar Film. DuPont Teijin Films holds the patent for this mylar film and only distributes this product through one distributor, Transilwrap Company Inc. This film will be used to seal the trays used in the retherm system at the MCSO New Food Factory. The sealing machines used to seal the retherm trays have been preset to use this film by Orics, the manufacturer. All purchases made for this product will be subject to budgetary approval. This action was conducted in accordance with the County's Sole Source Procedure.

**Contract Extension:**

Extension of the following contract(s): (Extensions are recommended with the concurrence of the using agency(s) and the vendor(s), upon satisfactory contract performance and, when appropriate, after a market survey is performed).

**Until July 31, 2005**

**00053-SC      FIRE ALARM SYSTEMS MAINTENANCE AND REPAIR (\$2,000,000 est/two (2) years)**

To provide for the testing, maintenance and repair of the fire alarm systems at county facilities as required by state statute and local fire codes.

- Siemens Building Technologies

**Increase in the contract amount for the following contract(s).** This request is due to an increased usage by County departments.

**01134-RFP      FOOD RETHERMALIZATION**

A \$2,810,000 increase is being requested by the Capital Facilities Development Department (CFDD) to purchase safer tray material, improved greasable cart casters, storage on units due to Food Factory construction delays, and the purchase of additional rethermalization systems resulting from "double bunking". The original value of the contract was \$7,400,000. The new contract value will increase to \$10,210,000 and is funded by Jail Tax Revenues. The Board of Supervisors initially approved this contract on June 10, 2002, with an expiration date of June 30, 2007.

- Burlodge

**02092-C      VETERINARY SUPPLIES**

A \$372,000 increase is being requested by Animal Care and Control to purchase additional supplies resulting from the increase in demand of the spay and neuter and other programs. The original value of this contract was \$120,000. The new contract value will increase to \$492,000. The Board of Supervisors initially approved this contract on October 16, 2002, with an expiration date of October 31, 2003.

- Fort Dodge Laboratories Div of Am Home Products, Inc.
- MWI Veterinary Supply Co
- Tradewinds Trading Co Inc/TW Medical
- Merial Limited

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**DONATION**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to accept a donation of 15 microchip readers, software to automate data entry of owners registration, 8 digital cameras and accompanying software, and 2 training sessions from Dave Loftus, dba Pet-Ark, Inc. in Bremerton, Washington valued at \$29,150. (Continued from meeting of April 16, 2003.) (C79030497) (ADM2300)

**ADDITION TO FLEET OF TWO VEHICLES AND TWO INSECTICIDE FOGGERS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the addition to the fleet with the purchase of two vehicles and two insecticide foggers at a cost of \$84,000. The new vehicles will be equipped for alternative fuel. The funding to purchase these vehicles will be from the existing Vector Control operating budget and the General Fund vehicle replacement fund. Expenditures required to operate these vehicles will also come from the Vector Control operating budget. (C8803037M) (ADM3100)

**SETTLEMENT AGREEMENT AND COURT DOCUMENTS WITH OUR CHILDREN'S EARTH FOUNDATION AND THE SIERRA CLUB**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve a Settlement Agreement and Court Documents with Our Children's Earth Foundation and the Sierra Club (collectively hereinafter "OCEF"). This Settlement Agreement resolves the dispute between Maricopa County Environmental Services Department (the "Department") and OCEF regarding the Department's alleged failure to issue certain Title V air permits in accordance with the Federal Clean Air Act ("CAA"). The proposed Settlement Agreement provides for a payment to OCEF of \$8,320 for its costs and the Department's adherence to a permit issuance schedule negotiated and accepted by the Department. (Discussed in Executive Session on April 14, 2003.) (C88030417) (ADM2350-004)

**AMENDMENT TO EXPENSE CONTRACT WITH FOUNDATION FOR SENIOR LIVING, INC. (FSAL)**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Amendment No. 6 to the expense contract with the Foundation for Senior Living, Inc. (FSAL) to increase funding in the amount of \$61,750. The total contract amount will increase from \$602,733 to \$664,483 for the operation of the low-income home weatherization and minor home repair program. Program funding resources are provided to Maricopa County by Arizona Public Service, Southwest Gas, the Department of Energy, the Arizona Department of Economic Security and the Department of Health and Human Services. There is no long-term commitment on the part of Maricopa County to continue this program. Continuation of this program is based on the availability of continued funding. There are no county general funds involved in this contract. The period of performance for this amendment is July 1, 2002, through June 30, 2003. This amendment represents an increase in Southwest Gas Special Project funding awarded to Maricopa County. As a result of this new funding sixty (60) low-income senior citizens and families with young children living in HUD Section VIII apartments will receive comprehensive weatherization improvements including the installation of new heating and cooling units. (C2202103106)

**AMENDMENT TO EXPENSE CONTRACT WITH TOWN OF GUADALUPE**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Amendment No. 4 to expense contract with the Town of Guadalupe to adjust budget line items to

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increase funding in the Out-of-School cost category by \$16,714 (from \$34,186 to \$50,900) and decrease the In-School cost category by \$16,714 (from \$59,979 to \$43,265). This is no change to the overall contract amount which remains at \$306,615; nor with the FY 2003 funding allocation which remains at \$173,780. Funding for this contract is derived from a federal grant under the Workforce Investment Act (WIA) Title IB - youth services. This amendment is effective upon approval of the Board. The term of this contract remains unchanged. This agreement does not contain any county general funds. (C2202120204)

**INTERGOVERNMENTAL AGREEMENT WITH CAVE CREEK UNIFIED SCHOOL DISTRICT**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve an Intergovernmental Agreement (IGA) with Cave Creek Unified School District for the provision of food catering to participants in Maricopa County's Head Start program. The IGA represents a fixed price agreement for each meal and snack served for an annual not-to-exceed amount of \$1,674. The IGA requires Cave Creek Unified School District to provide meals and snacks that contain a minimum of 1/3 to 2/3 of the daily-recommended dietary allowances. The Arizona Department of Education's Child/Adult Care Food Program and School Breakfast Program, the National School Lunch Program, and the U.S. Department of Health and Human Services provide funding for the IGA. The term of the IGA is July 1, 2003, through June 30, 2004. This agreement does not include any county general funds. (C22040042)

**FUNDING APPLICATIONS (28)**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to authorize the Maricopa County Human Services Department to submit 28 funding applications to various federal, state, and local sources as detailed on Attachment A. Authorize the Chairman to approve the receipt of all such funds awarded during FY 2004 as a result of the corresponding grant requests. The funding requested will not exceed \$10,863,500 in total. The funds will be administered by the Department's Special Transportation Services program, and utilized to provide elderly, disabled, and low-income residents transportation to medical and social service appointments, senior centers, employment, and employment-related activities; and the delivery of meals to residents that are homebound. (C22040173LI)

**FUNDING APPLICATIONS (6)**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to authorize the Maricopa County Human Services Department to submit six funding applications to various federal, state and private sector sources as detailed on Attachment A. Authorize the Chairman to approve the receipt of all such funds awarded during FY 2004 as a result of the corresponding grant requests. The funding requested will not exceed \$7,175,000 in total. The funds will be administered by the Department's Community Services Division to support various anti-poverty and homeless prevention programs for low-income and special needs populations in Maricopa County (outside the City of Mesa and the City of Phoenix), including: (C22040463LI)

- a) Low-Income Home Weatherization and Utility Related Repair/Replacement Program - This program will increase the energy efficiency and safeguard the health and safety of low-income homeowners. Priority will be given to elderly individuals, individuals with disabilities and families with children. Over 200 low-income households will benefit from these services in FY 2004.

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- b) Utility Assistance – Federal Low-Income Home Energy Assistance funds will be used to assist low-income households with home heating and cooling costs. Lack of adequate heating and cooling can lead to illness, fires, homelessness, and loss of life. This program works to prevent these outcomes. Over 6,000 households will benefit from these services in FY 2004.
- c) Homeless Prevention Services and Homeless Support Services – This program will assist families threatened with eviction. Emergency assistance to prevent homelessness will be provided. Homeless households will be assisted with first month rent and deposit payments. Over 1,000 households will be assisted in FY 2004.
- d) Community Action Program Operations – Funding will be provided to thirteen Community Action Programs located throughout Maricopa County to support operating and case management costs. In addition to providing direct assistance to families, the Community Action Programs provide an array of community services such as health fairs, information and referral services, operation of emergency food pantries, and senior citizen meal programs.

**AMENDMENT TO AGREEMENT WITH UNIVERSITY OF CALIFORNIA – SAN FRANCISCO**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve Amendment No. 2 to Agreement No. 2663sc with the University of California - San Francisco, by and through the Regents of the University of California to allow licensed health care providers to participate in learning experiences at the Maricopa County Department of Public Health's (MCDPH) Sexually Transmitted Disease (STD) Clinic. The amendment corrects the University's DPA and fund number for the term ending June 30, 2003. All other conditions and terms remain in full force and effect. (C8602044102)

**ADDITIONAL FUNDING ON REVENUE CONTRACT WITH ARIZONA FAMILY PLANNING COUNCIL, INC.**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the acceptance of an additional \$36,020 in funding on a revenue contract with the Arizona Family Planning Council, Inc., for Title X Family Planning Program services. The contract term is from January 1, 2003, to December 31, 2003, with total 2003 calendar year funding of not-to-exceed \$286,020. By approving this agenda item, the Board will be authorizing a budget amendment that will increase MCDPH's revenue and expenditure levels for FY 2003 by \$36,020. (C8603115101)

**PURCHASE OF COMPACT-SIZE SEDAN WITH ALTERNATE FUEL CONVERSION AND ADD TO FLEET**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the purchase of a compact-sized sedan with alternate fuel conversion to be added to the County fleet for the Department of Public Health's Sexually Transmitted Disease Program. Total vehicle purchase cost, including warranty, taxes, title and license fees not-to-exceed \$20,700. Annual operating and maintenance costs for this vehicle will be absorbed into the Department's FY 2003 operating budget. This action will not require any general fund expenditures. (C8603123M) (ADM3100)

**NON-FINANCIAL AGREEMENT WITH ST. VINCENT de PAUL AGENCY**

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Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve and sign a non-financial agreement between Maricopa County, through its Department of Public Health, and St. Vincent de Paul Agency, to provide nutritional experience for graduate students in the Department's Dietetic Internship Program. The agreement term is from Board approval through June 30, 2008. (C86031440)

**GRANT FUNDING FROM ST. LUKE'S HEALTH INITIATIVES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve and accept any and all grant funding from St. Luke's Health Initiatives to sponsor an individual from Maricopa County Department of Public Health to attend the Disney Institute's National Friendly Access training program. The training to be provided is a customized curriculum developed by the Disney Institute especially for the health care industry. Interest in this training event comes as a result of participation in the Alliance for Innovations in Health Care; a community collaboration focused on improving maternal and child health. The term of the grant, if awarded, will be from Board approval to September 30, 2003, with funding of not-to-exceed \$4,000. By approving this agenda item, the Board will be authorizing the Chairman to sign all applications, contracts, and subsequent administrative amendments related to this grant. By approving this agenda item, the Board is authorizing a budget amendment that will increase MCDPH's revenue and expenditure levels for FY 2003 by \$4,000. (C86031573)

**SUPPLEMENT AGREEMENT WITH CITY OF PHOENIX**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve Supplement Agreement No. 3 granting Maricopa County access to the City of Phoenix, Mt. Gillen communications site for expansion of the County's SmartZone 800 MHz public safety radio network. The umbrella agreement and all supplements are valid for a coterminous ten-year period and may be renewed by either party for an additional ten years. (C7602019201)

**CHANGE ORDER TO CONTRACT WITH D.L. WITHERS CONSTRUCTION, INC.**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve Change Order No. 6 to Contract JE01-01 with D.L. Withers Construction, Inc. in the amount of \$450,000. This contract provides for the construction of the Maricopa County Forensic Science Center and Parking Structure. Change Order No. 6 incorporates various changes required to complete and close the construction contract. The increase is within the project budgets. (C4001009102)

**CONTRACT WITH D.L. WITHERS CONSTRUCTION, LC**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve and authorize the execution of Contract CFD02-07, with D.L. Withers Construction, LC, of Phoenix, Arizona, in substantially the form attached when approved by County Counsel, in the amount of \$100,000. This contract is to provide Maricopa County Human Services Campus Construction Manager-(CM)-at-Risk Design Phase Services. The contract is scheduled to take four months for design phase services. At some point during design, prior to construction, D.L. Withers will be requested by the county to provide a Guaranteed Maximum Price (GMP) for construction of the Human Services Campus. The GMP construction phase of the contract will be presented to the Board for their approval prior to start of construction. (C40030145)

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**ADDITIONS TO FLEET – VEHICLES/EQUIPMENT FOR NEW JAIL AND JUVENILE DETENTION FACILITIES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve additions to fleet for vehicles/equipment purchased from the Jail Construction Fund for the new jail and juvenile detention facilities. A total of eight vehicles will be added to the fleet. These amounts include tax. The following items were purchased for the new Jail Central Services Complex: (C4003015M) (ADM3900-002) (ADM3100)

- five 7900 lb. electric narrow aisle high reach trucks totaling \$151,560;
- one high reach order picker totaling, \$22,550 and one (1) 4000 lb. electric fork lift totaling \$25,025;
- one 4000 lb. electric fork lift totaling \$25,025 was purchased to use in the new Juvenile Court Services Warehouse.

**FEDERAL U.S. DEPARTMENT OF TRANSPORTATION HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS GRANT FUNDS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve and accept \$1,450 in Federal U.S. Department of Transportation Hazardous Materials Emergency Preparedness Grant funds. Funds from this grant will be used to purchase materials and supplies on behalf of the Local Emergency Planning Committee, which the department provides the administrative support for. (C15030123)

**STATE EMERGENCY RESPONSE GRANT FUNDS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve and accept \$2,400 in State Emergency Response Grant funds. Funds from this grant will be used to purchase equipment and materials on behalf of the Local Emergency Planning Committee, which the department provides the administrative support for. This will assist us in receiving and tracking facilities required to report under SARA Title III Emergency Planning and Community Right to Know Act. (C15030133)

**CONTRACT WITH HDA ARCHITECTS, LLC**

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve a professional service contract with HDA Architects, LLC to provide "as needed" architectural services for a two-year period. The consultant will provide planning, programming, estimating, design, and construction administration services for various County projects. Consultant fees for this two-year period shall be \$250,000 or less and are paid by the county's Major Maintenance budget or by budgeted department funds. (C70030525)

**AMENDMENTS TO FY 2002-2003 FIVE-YEAR CAPITAL IMPROVEMENT PLAN**

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the following amendments to the FY 2002-2003 five-year Capital Improvement Plan:

- a) Create a new project titled "NE Superior Court Expansion" in the amount of \$16,350,000 (Year 1 \$100,000; Year 2 \$8,000,000 and Year 3 \$8,250,000) and authorize the Facilities

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Management Department to proceed with the implementation and oversight of the completion of programming, procurement, and construction of the project;

- b) Transfer \$100,000 from the General Fund County Improvement Fund (445) Downtown Property Development/Acquisition project FY 2002-2003 Year 1 budget to the General Fund County Improvement Fund (445) NE Superior Court Expansion project. Year 2 and Year 3 costs will be funded from unexpended Major Maintenance funds, proceeds from the sale of excess lands (fund 422) and Capital Improvement Funds in the General Fund County Improvement Fund (fund 445).

These unexpended funds will be added, through the budget process to the FY 2003-2004 Year 1 and FY 2004-2005 Year 2 Capital Improvement Plan budget for the project. The requested transfer results in a net zero impact to Year 1 of the five-year Capital Improvement Plan. (C70030538) (ADM800)

**EASEMENTS AND RIGHT-OF-WAY DOCUMENTS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors action. (ADM2007)

A005.003      Project No: 69021 - Chandler Blvd. (625' W. of Gilbert Road) - Agreement for Right of  
(TS)              Entry - Parcel No. 303-01-006 - Cecil Leon Noel, Successor and Co-Trustee - for the  
sum of \$100.00.

A144.002      Project No: 69010 - Pecan Road (109th Avenue - 107th Avenue) - Easement and  
(AC)              Agreement for Highway Purposes - Parcel No. 101-41-010 - Jesus Eduardo Limas - for  
the sum of \$500.00.

A165.008      Project No: 69010 - Bullard Avenue (EOP-EOM) - Easement and Agreement for  
(AC)              Highway Purposes - Parcel No. 503-52-032Y - Rojelio Stevens - for the sum of  
\$3,155.00.

A165.008      Project No: 69010 - Bullard Avenue (EOP-EOM) - Purchase Agreement and Escrow  
(AC)              Instructions - Parcel No. 503-52-032Y – Rojelio Stevens.

A171              Project No: 69010 - 95th Street (Balsam Avenue to Apache Trail) - Letter Agreement  
(AC)              for a Temporary Ingress and Egress Permit - Parcel No. 220-35-004B - Melvin and  
Carla Scott - for the sum of \$100.00.

A171              Project No: 69010 - 95th Street (Balsam Avenue to Apache Trail) - Letter Agreement  
(AC)              for a Temporary Ingress and Egress Permit - Parcel No. 220-35-014 & 015 - Victor and  
Gertrude Whitman, Trustees - for the sum of \$200.00.

A231.002      Project No.: 69010 - 80th Street (Hermosa Vista Drive - McDowell Road) - Easement  
(AC)              and Agreement for Highway Purposes – Parcel No. 219-26-002T - David E. Weaver  
and Donnett Weaver - for the sum of \$7,358.00.

A231.002      Project No.: 69010 - 80th Street (Hermosa Vista Drive - McDowell Road) - Purchase  
(AC)              Agreement and Escrow Instructions – Parcel No. 219-26-002T - David E. Weaver and  
Donnett Weaver.



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A231.003 (AC)	Project No: 69010 - 80th Street (Hermosa Vista Drive - McDowell Road) - Easement and Agreement for Highway Purposes – Parcel No. 219-26-002V - Shirley A. Brannan, Trustee - for the sum of \$8,670.00.
A231.003 (AC)	Project No: 69010 - 80th Street (Hermosa Vista Drive - McDowell Road) - Purchase Agreement and Escrow Instructions - Parcel No. 219-26-002V - Shirley A. Brannan, Trustee.
A231.010 (AC)	Project No.: 69010 - 80th Street (Hermosa Vista Drive - McDowell Road) - Easement and Agreement for Highway Purposes – Parcel No. 219-26-112A - William T. Edelbrock and Mary M. Ruben - for the sum of \$8,405.00.
A231.010 (AC)	Project No.: 69010 - 80th Street (Hermosa Vista Drive - McDowell Road) - Purchase Agreement and Escrow Instructions. – Parcel No. 219-26-112A - William T. Edelbrock and Mary M. Ruben.
A232.001 (AC)	Project No.: 69010 - 82nd Street (Hermosa Vista Drive - McDowell Road) - Easement and Agreement for Highway Purposes – Parcel No. 219-26-002K - James P. Kupchick and Sharon A. Kupchick - for the sum of \$19,682.00.
A232.001 (AC)	Project No.: 69010 - 82nd Street (Hermosa Vista Drive - McDowell Road) - Purchase Agreement and Escrow Instructions – Parcel No. 219-26-002K - James P. Kupchick and Sharon A. Kupchick.
A280.001 thru 009	R/W Dedication – Ratification of Dedication - Parcel No. 211-35-010D, 010F, 010N, 010L, 010K, 211-36-002B, 002E, 002F, 002G, 002H - Phoenix Title and Trust Company, Trustee and J.N. Harber.
DD-9209 (TS)	Amendment to Right of Way - State Land Department State of Arizona - No. 16-105593.
DD-9411 (TS)	R/W Dedication – Easement and Agreement for Highway Purposes - Parcel No. 219-22-025 - Randy S. Webb and Pamela J. Webb - for the sum of \$10.00.
DD-9411 (TS)	R/W Dedication - Purchase Agreement and Escrow Instructions – Parcel No. 219-22-025 – Randy S. Webb and Pamela J. Webb.
R/W #656 (MDW)	Project No: Property Management Branch - Electrical Distribution Easement - Salt River Project Agricultural Improvement and Power District – Maricopa County Parcel #303-01-07 - for the sum of \$2,950.00.
X-0500 (CS)	Project No: 68927 - Ellsworth Road (Germann to Baseline) – Agreement for Right of Entry - Parcel No. 304-62-007D & 007F – EG 160 General Partnership - for the sum of \$500.00.
X-0513 (CS)	Project No: 68927 - Ellsworth Road (Germann to Baseline) – Application for a Right-of-Way - State Land Department State of Arizona - R/W No. 16-107525.
X-522	Project No: 68927 - Ellsworth Road (Germann Road - Guadalupe Road) - Agreement

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(AC) for Right of Entry - Parcel No. 304-02-002M, 002K, 009C, and 002H - Whane of Mesa Limited Partnership LLLP - for the sum of \$500.00.

**ROAD ABANDONMENT (ROAD FILE NO. 5266)**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) that the following resolution be adopted: (C6403227B)

**WHEREAS**, pursuant to A.R.S. §28-6701 and 28-7202 et seq., it appears to the Board that the abandonment of the following-described property may be effected without damage to the public or adjacent landowners:

A portion of that certain road right-of-way described in Docket 2114, page 402, Maricopa County Records, lying within the Southwest quarter of the Southwest quarter of the Southwest quarter (SW¼ SW¼ SW¼) of Section Nine (9), Township Five (5) North, Range Four (4) East, of the G&SRB&M, Maricopa County, Arizona, said road is described as follows:

The South 60 feet of said SW¼ SW¼ SW¼ of said Section 9; EXCEPT, any part thereof lying within the West 60 feet of said SW¼ SW¼ SW¼.

(Said abandonment being a portion of Dove Valley Road lying 660 feet east of the centerline of 7th Street, Supervisorial District No. 3.)

**WHEREAS**, the Board believing that the granting of said petition requesting abandonment is in the best interests of Maricopa County; and

**WHEREAS**, the County Engineer of Maricopa County, Arizona, has recommended the abandonment be approved;

**NOW, THEREFORE, IT IS ORDERED** that the above-described property be abandoned, subject to existing easements if any, and no rights or privileges to public utilities are affected by this abandonment, and the County Engineer is hereby directed to make a plat of the survey of same and cause it to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

**DATED** this 7<sup>th</sup> day of May 2003.

**AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH ARIZONA DEPARTMENT OF TRANSPORTATION**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve an amendment to the Intergovernmental Agreement (IGA) between the State of Arizona, acting through the Arizona Department of Transportation (ADOT), and Maricopa County Department of Transportation. The amendment provides for cost sharing of a 50/50 split for the additional work needed to bring the environment assessment to federally acceptable standards for SR 303L, from I-10 to US 60, including the system interchange at I-10 and US 60, in a maximum amount not to exceed \$250,000. In addition, the amendment clarifies the responsibilities for Blue Staking and electrical power incident to the existing SR 303L and the un-constructed SR 303L corridor. (C6400261201)

**REIMBURSEMENTS FOR COSTS FOR RELOCATION OF FACILITIES**

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Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve reimbursement to the following for costs incurred for the relocation of facilities in conflict with Maricopa County Department of Transportation, Projects: (ADM2000-006)

- a) Salt River Project, Project No. 68957, Gilbert Road from McDowell Road to State Route 87 w/LWC. The cost may not exceed the current estimate of \$114,900 by more than 10%. Also approve date extension to FY 2002-2003, for the relocation of their facilities in conflict with the McDOT project No. 68957 – Gilbert Road from McDowell Road to Thomas Road. (C6401329101)
- b) Southwest Gas Corporation in the amount of \$28,532, Project No. 68982, Deer Valley Road Bridge at New River. Also approve date extension to FY 2002-2003, for the relocation of their facilities in conflict with the McDOT Project No. 68982, Deer Valley Road Bridge at New River. The cost may not exceed the current estimated amount of \$28,532 by more than 10%. (C6402177501)
- c) QWEST Communications in the amount of \$113,253, Project No. 68982, Deer Valley Road Bridge at New River. Also approve date extension to FY 2002-2003, for the relocation of their facilities in conflict with the McDOT project No. 68982, Deer Valley Road Bridge at New River. The cost may not exceed the current estimated amount of \$113,253 by more than 10%. (C6402179501)
- d) Salt River Project, Project No. MGRL (McDOT No. 68957), Gilbert Road from McDowell Road to State Route 87. The cost may not exceed the current estimate of \$363,650 by more than 10%. (C64032165)

**ANNEXATION OF COUNTY RIGHT-OF-WAY BY THE TOWN OF BUCKEYE**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the annexation by the Town of Buckeye of County right-of-way within the east half of the existing Rooks Road right-of-way lying North of Baseline Road for a distance of 1,320' (approximately), in accordance with Town Ordinance No. 63-02. (C64032175) (ADM4202)

**INTERGOVERNMENTAL AGREEMENT WITH TOWN OF GILBERT**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve an Intergovernmental Agreement between the Maricopa County Department of Transportation and the Town of Gilbert regarding roadway improvements to Lindsay Road, from Williams Field Road to Ray Road. The Town will act as the lead agency for construction and the County will be a financial participant. The project cost is estimated at \$4,000,000, with the County financial contribution at \$1,625,500. The project is budgeted in FY 2005 under Work Order No. 68997. (C64032192)

**INTERGOVERNMENTAL AGREEMENT WITH TOWN OF GILA BEND**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve an Intergovernmental Agreement between the Maricopa County Department of Transportation and the Town of Gila Bend. The Town is a recipient of the County's Small Cities Transportation Assistance Program. The Town will receive \$137,000 in FY 2003, and the funds are budgeted under MCDOT TIP Work Order No. 68872. (C64032212)

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**CALL FOR BIDS AND AWARD – CONSTRUCTION OF GILBERT ROAD FROM McDOWELL ROAD TO STATE ROUTE 87**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the solicitation for bids for the construction of Gilbert Road from McDowell Road to SR 87, Project MGRL (MCDOT No. 68957), and approve the award of a contract to the lowest responsive bidder, providing the lowest responsive bid does not exceed the engineer's estimate by more than 10%. Funds have been budgeted in the Department's Transportation Improvement Program for FY 2004 and FY 2005, and this approval is contingent upon the Board approval of the FY 2004 Capital Improvements Program budget. This project will be cost shared by the City of Mesa and ADOT and the solicitation for bids is contingent upon the approval of the Intergovernmental Agreements with these entities by the Board. (C64032305)

**CONTRACT WITH BASEPLANS U.S.A.**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve On-Call Contract No. CY 2004-01 with BasePlans U.S.A. for Utility Location Services in an amount not-to-exceed \$200,000 for a two-year period. The contract shall be effective July 1, 2003, through June 30, 2005. (C64032315)

**CONTRACT AND GRANT OF EASEMENT TO U.S. OF AMERICA**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve a Contract and Grant of Easement from Maricopa County, a political subdivision of the State of Arizona to the United States of America as a land exchange with the United States of America by and through its Bureau of Reclamation. The Contract and Grant of Easement pertains to one parcel of land and contains 1,440 square feet of land located on Gilbert Road at Oak Street. (C64032335) (ADM2007)

**MARICOPA INTEGRATED HEALTH SYSTEMS PERSONNEL AGENDA**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve Maricopa Integrated Health Systems Personnel Agenda. (List on file in the Clerk of the Board's Office.)

**FORMATION OF A POOL OF FUNDS FOR ALL PHARMACY SERVICES**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the formation of a pool of funds for all Pharmacy Services retroactive to April 1, 2003. This pool will combine the pool of funds from Home and Community Based Service (HCBS) Pharmacy Service established under Agenda Item C6099138101 with a not-to-exceed amount of \$18,051,000, and the pool of funds from Residential Pharmacy Service established under Agenda Item C60012931ZZ with a not-to-exceed amount of \$40,000,000. The formation of the Pharmacy Services Pool will extinguish the old HCBS Pharmacy Pool and the Residential Pharmacy Pool. Increase the combined pool not-to-exceed, retroactively, by \$27,723,664, increasing from \$51,051,000 to \$78,774,664, and extend the term of the Pharmacy Services Pool by one year from April 1, 2003, through March 31, 2004, making the aggregate term of the pool April 1, 1999, through March 31, 2004; and identify the Pharmacy Services Pool by a new Agenda No. C60030861. (Continued from meeting of April 16, 2003.) (C60030861)

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**AMENDMENT TO DENTAL SUPPLY AND EQUIPMENT SERVICES CONTRACTS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve Amendment No. 2 to the Dental Supply and Equipment Services Contracts with JB Dental Supply Company (C9099087102) and Henry Schein, Inc. (C9099088102). This amendment will exercise the final option to renew for an additional year, from April 21, 2003, to April 20, 2004, for an aggregate term of April 21, 1999, through April 20, 2004, and will add an additional \$600,000 to the contract not-to-exceed amount of \$1,469,600 for an aggregate not-to-exceed amount of \$2,069,600 for both contracts. A request for retroactive approval of this agreement is made to cover the period April 21, 2003 (contract expiration) through May 7, 2003 (anticipated date of Board approval). Retroactive approval is also requested for allocation of approximately \$12,000 to cover the funding deficit for the period April 8, 2003 (date financial data was pulled and analyzed) through May 7, 2003 (anticipated date of Board approval). The \$12,000 is an estimate of invoices not yet received for this period. The \$600,000 increase in the not-to-exceed amount for both contracts includes this \$12,000 shortfall. This contract may be cancelled by either party with 30-days written notice. (C90030391ZZ)

**CRITICAL MARKET SALARY INCREASES**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve critical market salary increases for 53 Medical Technologists, 82 Medical Assistants, and 5 Registered Dietitians. The increases will be effective the first pay period after Board approval. (see back-up for amounts) (C9003042M) (ADM3308-001)

- a) Medical Technologists - MIHS salaries are currently 16.0% below the current market level for qualified technologists with the job vacancy rate at 9.43%. Approval of this item will allow the MIHS Clinical Laboratory to competitively bid for candidates, to fill five current open positions and maintain current staffing levels. It will also enable MIHS to align current employees' salaries to market competitive rates.
- b) Medical Assistants - Approval of this item will allow the Family Health Centers and the Comprehensive Health Care Center to competitively bid for candidates to fill our current 6 vacant positions. In addition it will assist with retaining staff that are actively seeking other positions outside of MIHS due to the current salary structure. The new salary range will also assist in recruiting new graduates and experienced Medical Assistants. This is the least expensive health care worker for the ambulatory arena. If MIHS is unable to recruit and retain medical assistants the Family Health Center and the Comprehensive Health Center would either have to rely on more expensive personnel (i.e., LPNs and RNs) or be less efficient in delivering care. If there isn't adequate staff to room patients, manage the referrals, assist with procedures and act as chaperones less patients will be cared for in an efficient, cost-effective manner. This will negatively affect revenue and patient satisfaction.
- c) Registered Dietitians - Approval of this item will allow the MIHS Clinical Nutrition department to attract candidates to our Health System and also retain existing staff. The Registered Dietitians turnover rate in FY2002 was at 57.14%, and FYTD 2003 is at 20.00%. Salaries have been the biggest challenge in recruiting qualified staff who are committed to the mission of serving our patients. We receive a large number of applications when a position is posted however; our offers to candidates are less than our competitors and generally not accepted.

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**APPOINTMENT OF MARIE LOPEZ-ROGERS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to appoint Marie Lopez-Rogers to the Maricopa County Transportation Advisory Board, representing District 5, from May 7, 2003, to April 15, 2005. (C05030056) (ADM2038)

**HEARING SET - ANIMAL CARE & CONTROL – ADDITION TO THE ADOPTION PROCESS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to schedule a public hearing for 9:00 a.m., Wednesday, June 4, 2003, for authorizing an addition to the adoption process that would require each animal adopted from Animal Care & Control Services (AC&C) be microchipped before being released to the adopter. Previous approved fee structure approved by the Board of Supervisors on September 4, 2002, allows for a \$15 fee for microchips. AC&C is now proposing effective July 1, 2003, that this fee and service be a mandatory step in its adoption process. In addition, the AC&C recommends a \$10 microchip fee to its New Hope partners. It is estimated that 23,000 microchips will be implanted in FY 2003-2004. Direct the Office of Management and Budget (OMB) to review, analyze and make a recommendation on the Animal Care & Control Results Initiative Requests (RIR's) for FY 2003-2004, for revenues and expenditures associated with the above fee increase. AC&C estimates that additional revenues and expenditures associated with this fee increase is \$330,000. On December 2, 2002 the Maricopa County Board of Supervisors approved the Budgeting for Results Guidelines and Priorities for FY 2003-04. Included in those guidelines was a provision that only Results Initiative Requests that are funded by the original \$900 million of Jail Excise tax for phased-in operation of new facilities will be considered. Maricopa County's Annual Business Strategies for FY 2002-03 list seven Strategic Priorities that include providing regional leadership in critical public policy areas in a fiscally responsible manner. ACC&S goal to meet this Strategic Priority is to achieve a "no kill" environment by FY 2006 (euthanasia rate of 3 adoptable animals per human population of 1,000. Additional, the FY 2002-03 Strategic Priorities states that all anticipated revenue to the County from fee increases will not be budgeted unless the Board of Supervisors /Board of Directors has approved such increases. Therefore, the Animal Care and Control Department requests that the Board give OMB direction to review the Animal Care and Control RIR. In addition the department must change the fiscal impact section to reflect that the revenues and expenditures are for 2004. (C7903052M) (ADM2305)

**HEARING SET - ENVIRONMENTAL SERVICES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to schedule public hearings for 9:00 a.m., Wednesday, June 18, 2003, to review and approve the following proposed revisions to the Maricopa County Environmental Health Code: (ADM2101)

- i. proposed revisions to Chapter I (Fee Schedule) of the Maricopa County Environmental Health Code. The Code amendments will reflect recent changes to the Arizona Department of Environmental Quality Delegation Agreement and to recover fees for services. These revisions will increase fees collected by \$966,519. Prior to acquiring Board of Health approval, information and public comments were gathered, then incorporated into the proposed revisions via department-initiated stakeholder meetings. Direct the Office of Management and Budget (OMB) to review, analyze and make a recommendation on the Environmental Services Results Initiative Requests (RIR's) for FY 2003-2004, for expenditures associated with the above fee increase. (C88030247)

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- ii. proposed revisions to Chapter II (Sewage and Wastes) Section 5 (Refuse Collection and Disposal Services) of the Maricopa County Environmental Health Code. The code amendment will reflect a change for maintaining an oversight program in granting of refuse collection frequency variances needed by cities offering recycling programs. Prior to acquiring Board of Health approval, information and public comments were gathered, then incorporated into the proposed revisions via department-initiated stakeholder meetings. (C88030397)

**HEARING SET - ENVIRONMENTAL SERVICES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to schedule a public hearing, as required by ARS §49-479(b), for 9:00 a.m., Wednesday, July 2, 2003, to solicit comments on proposed revisions to the following Maricopa County Air Pollution Control Regulation Rule 312 (Abrasive Blasting), and to solicit comments on submitting the rule as a revision to the (Arizona) State Implementation Plan (SIP). Following the public hearing, the Board is requested to adopt proposed revisions to Maricopa County Air Pollution Control Regulations, Rule 312 and to submit the rule as a revision to the (Arizona) State Implementation Plan. (C88030427) (ADM2354)

**HEARING SET - PARKS AND RECREATION**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to schedule a public hearing for 9:00 a.m., Wednesday, June 4, 2003, to authorize a modification to the Parks Department fee schedule to acknowledge San Tan Park as an open and operating mountain park facility and apply normal park entry fees. In addition eliminate the fee for dumping recreational vehicle waste at park facilities. Both changes are to be effective on July 1, 2003. The net effect on revenue is built into the FY 2004 proposed budget from Parks. This item was discussed and approved unanimously at the April 8, 2003, Parks & Recreation Commission meeting. (C30030237) (ADM3210)

**HEARING SET - IMPACT STATEMENT AMENDMENTS FOR THE NEW FOUNTAIN HILLS FIRE DISTRICT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to schedule a public hearing for 9:00 a.m., Monday, May 19, 2003, at the Supervisors' Conference Room, to consider amendments to the impact statement for the new Fountain Hills Fire District, and amendments to the endorsement resolution from the town council, for the proposed Fountain Hills Fire District to be located in the community of Fountain Hills all as specifically described in the description submitted and on file with the Clerk of the Board of Supervisors. At the hearing the Board will hear those who appear for and against the amendments. If the Board determines that the proposed amendments and impact statement for creation of the district will promote public health, comfort, convenience, necessity or welfare, it shall authorize persons proposing the district to circulate and submit petitions containing signatures of more than one half of the qualified electors within the boundaries of the proposed district, and more than one half of the property owners in the area of the proposed district, and by persons owning collectively more than one-half of the assessed valuation of the property in the area of the proposed district, in the manner provided by law (A.R.S. §§ 48-261, 48-265, 48-266). This matter will be considered as an emergency measure. (This is Addendum item #A-3.) (ADM4434)

**HEARING SET – ROAD FILES**

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Petitions having been filed for declaration of the following roads into the County highway system, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to schedule a hearing for 9:00 a.m., Wednesday, June 4, 2003:

**Road File A093-B**: General vicinity of Patrick Lane, from 81<sup>st</sup> Avenue to 79<sup>th</sup> Avenue. (C64032325)

**Road File 5281**: All streets consistent with the rights-of-way, as depicted in Anthem, Unit 2, a subdivision as shown in Book 477 of Maps, Page 47, M.C.R. (C6403222B)

**Road File 5282**: General vicinity of Memorial Drive and Gloria Drive. (C6403223B)

**Road File 5283**: General vicinity of Gavilan Peak Parkway and Memorial Drive. (C6403224B)

**Road File 5284**: General vicinity of Interstate 17 and Anthem Way. (C6403225B)

**Road File 5285**: General vicinity of Anthem Way East of Independence Way. (C6403229B)

**Road File 5286**: General vicinity of Interstate 17 and Anthem Way. (C6403226B)

**HEARING SCHEDULED - PLANNING AND ZONING CASES**

No Planning and Zoning hearings are scheduled for the May 21, 2003, meeting.

**MINUTES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve minutes of the Board of Supervisors meetings held February 25, 27, March 5, 17, 19, and 22, 2003.

**PRECINCT COMMITTEEMEN**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to authorize the appointment and cancellation of appointment of Precinct Committeemen. (ADM1701)

**CANVASS OF ELECTION**

Pursuant to A.R.S. §16-642(B), motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to accept the canvass of election held in Tonopah Irrigation District on April 8, 2003, as on file in the Office of the Clerk of the Board. (ADM4327)

**CONTRIBUTIONS GENERATED FOR 2004 NACO ANNUAL CONFERENCE**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to authorize the acceptance of cash and in-kind contributions generated for the 2004 NACo Annual Conference through corporate sponsorships and donations. These contributions will support the expenses associated with Maricopa County's responsibilities as the July 2004 conference host. Itemized



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listing of commitments and donations received will be on file in the Office of the Clerk of the Board of Supervisors. (C2003015M) (ADM652)

**CHECK ENFORCEMENT FUND**

In accordance with A.R.S. §13-1811(F) County Bad Check Trust fund, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to accept the quarterly financial reports of all revenues and expenditures from the Check Enforcement Fund for the periods of July 2002 through December 2002, and July 2002 and March 2003. (ADM404)

**SECURED TAX ROLLS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve requests from the Assessor for corrections of the Secured Tax Rolls. (ADM705)

<b>Tax Roll</b>	<b>From No.</b>	<b>To No.</b>	<b>Net</b>
1999	7224	7226	\$3,552.70
2000	10466	10508	-\$6,548.90
2001	35536	35569	-\$15,162.04
2001	35577	35825	\$3,007.86
2001	35826	35904	\$40,633.36
2002	9440	9553	\$43,043.62
2002	9618	9866	\$3,121.80
2002	9867	10006	-\$43,988.56

**COUNTY FAIR RACING MEET AUTHORIZED**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to authorize the Maricopa County Fair, Inc., to conduct a county fair racing meet for the benefit of the county under the terms and at such time as provided in the application for the racing permit submitted by the County Fair Association, Inc., to the Arizona Department of Racing. (ADM150)

**DUPLICATE WARRANTS**

Necessary affidavits having been filed, pursuant to A.R.S. §11-632, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the issuance of duplicate warrants to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

**COUNTY**

<b>Name</b>	<b>Warrant</b>	<b>Fund</b>	<b>Amount</b>
Allegiance Health Corp.	330511709	Expense	\$142.80
Karen R. Bowdish	330546546	Expense	\$118,940.65
Rodolfo Galluzo	330532076	Expense	\$260.00
Vivian Padilla	AD0030544487	Expense	\$375.00
Terracon Inc.	AD003305530147	Expense	\$19,270.71
Topaz Systems Inc.	330540739	Expense	\$7,345.53
Oscar Villegas	320528736	Expense	\$75.00

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**SCHOOL**

<b>Name</b>	<b>School</b>	<b>Warrant</b>	<b>Amount</b>
Linda Calderone	Saddle Mtn. #90	43-0103963	\$560.00
Glencoe McGraw-Hill	Higley #60	42-0122218	\$18,533.68
Brandon Hopson	Alhambra #68	1397525	\$36.94
Leslie Kelly	Queen Creek #95	95519189	\$153.93
Katesch H. Law	Mesa	73-52365	\$109.85
Ana M. Meza	Mesa	73-53514	\$247.52
Lorena Millan	Balsz #31	13-120893	\$376.20
Gerald Morgan	Queen Creek #95	95518162	\$78.50
Blake C. Porter	Mesa	73-0053360	\$66.94
Gwen Fells-Richardson	Roosevelt #66	13-121403	\$1435.50
Hilda Ortega-Rosales	Tolleson	43-0110071	\$95.91
Staul Simen	Phoenix #1	43-0057982	\$1,190.48
Linda L. Smallman	Mesa	72-86027	\$1,279.81
Linda L. Smallman	Mesa	72-95351	\$1,011.82
Hinckley & Sierra Springs	Aqua Fria	43-0080960	\$97.32
Amy Stewart	Arlington	4399389	\$1,125.00
Mallory S. Watts	Mesa	73-51069	\$12.87

**STALE DATED WARRANTS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to find that claims presented pursuant to A.R.S. §11-644 are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (ADM1816)

Esther Bauer	\$203.26
Aviance D. Betts	\$74.54
Janet Edwards	\$637.81
JoNese Gregory	\$404.66
Irma Elizabeth Higgins	\$26.22
Aaron Krause	\$205.67
Samuel S. Ortiz	\$184.55
Deborah Ray	\$50.22
Rosemary G. Toomey	\$234.85
Jacqueline A. Turner	\$163.48

**SETTLEMENT OF TAX CASES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the settlement of tax cases on file in the Office of the Clerk of the Board of Supervisors, list dated May 7, 2003. (ADM704)

<b>1999/2000</b>	<b>2002</b>	<b>2002/2003</b>
CV 00-019159	TX 01-000491	TX 01-000549
<b>2000</b>	TX 01-000492	TX 02-000596

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TX 00-000083	TX 01-000510	<b>2003</b>
<b>2001</b>	TX 01-000587	ST 02-000174
TX 00-000715	TX 02-000167	ST 02-000197
TX 01-000552	<b>2003/2004</b>	ST 02-000205
	TX 03-000081	TX 02-000501

**CLASSIFICATION CHANGES**

Pursuant to A.R.S. §42-12054, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the Assessor's recommendations to change classification and/or reduce the valuation of certain properties which are now owner occupied. (ADM723)

<b>PARCEL NO.</b>	<b>YEAR</b>	<b>OWNER</b>	<b>FROM</b>	<b>TO</b>
107-44-027	2000	Antonio Vazquez	LC/4	LC/3
107-44-027	2001	Antonio Vazquez	LC/4	LC/3
107-44-027	2002	Antonio Vazquez	LC/4	LC/3
107-48-006	2000	Ramon Castillo	LC/4	LC/3
107-48-006	2001	Ramon Castillo	LC/4	LC/3
107-48-006	2002	Ramon Castillo	LC/4	LC/3
111-24-117	2000	Angelo R Chiarenza	LC/4	LC/3
111-24-117	2001	Angelo R Chiarenza	LC/4	LC/3
111-24-117	2002	Angelo R Chiarenza	LC/4	LC/3
144-03-127	2002	Malissa Willden	LC/4	LC/3
170-17-051C	2000	Robert Daudet	LC/4	LC/3
170-17-051C	2001	Robert Daudet	LC/4	LC/3
170-17-051C	2002	Robert Daudet	LC/4	LC/3
173-54-062	2002	Nicklas Gonzales	LC/4	Mixed
176-22-627	2002	Leon Lowe	LC/4	LC/3
200-41-481	2000	Evelyn Pickett	LC/4	LC/3
200-41-481	2001	Evelyn Pickett	LC/4	LC/3
200-41-481	2002	Evelyn Pickett	LC/4	LC/3
200-44-189	2000	Kathy Erwin	LC/4	LC/3
200-44-189	2001	Kathy Erwin	LC/4	LC/3
200-44-189	2002	Kathy Erwin	LC/4	LC/3
215-63-067	2000	Annemarie Furrey	LC/4	LC/3
215-63-067	2001	Annemarie Furrey	LC/4	LC/3
215-63-067	2002	Annemarie Furrey	LC/4	LC/3
216-50-664	2002	Hansjuergen Frank	LC/4	Mixed
218-54-750A	2002	Mary Couzens	LC/4	LC/3
303-61-495	2002	Gene Martini	LC/4	LC/3
308-06-835	2002	Anwar Shahriar	LC/4	LC/3

**COMPROMISES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to accept the requested compromises as payment in full for the following cases: (Discussed in Executive Session held April 14, 2003.) (ADM407)

Miranda Anderson	\$2,800.00	Shawnleigh Cree-Glen	\$8,500.00
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Santiago De Leon	4,900.00	Xochitl Landeros	2,260.00
Edward Regalado	3,000.70	John Tracy	1,950.00
Joyce White	2,400.00	Maribel Zelaya	3,500.00

**WRITE-OFF**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to accept the requested write-off as payment in full for Trudy Yazzie in the amount of \$43,754.14. (Discussed in Executive Session held April 14, 2003.) (ADM407)

**PUBLIC COMMENT**

Cindy Hicks, Adult Foster Care Homes, said she wanted to formally protest the County's failure to comply with contractual terms to reimburse those running foster care facilities. She said that she has not received any compensation since February and indicated that she and others had presented claims since that time, with payment due on each in 18 days. They are being told the forms are filled out incorrectly but she denied this. She said it has also been blamed on system failure and indicated that the system issued a printout that she was paid in full but she has not received any payments and now faces bankruptcy. She said all administrators at the homes she has spoken with face the same issues of nonpayment and that some have already been forced to close. Chairman Brock indicated that Ms. Hicks should consult with the County Manager after the meeting.

Blue Crowley, citizen, spoke on the infringement of the public's right to speak at government open meetings. He said at the State Board (of Transportation) and CTOC (Citizens Transportation Oversight Committee) he had pointed out problems that he saw in several areas and his remarks were misquoted in their "documents." He also remarked on the County's representative 20% portion of the "weight" at MAG (Maricopa Association of Governments) and how he felt the County's input has been wrongly ignored by that body and others. (ADM605)

**SUPERVISORS' COMMENTS**

There were no comments made by any Supervisor at this time. (ADM606)

**PLANNING AND ZONING**

David Smith left the dais at the end of this portion of the Board meeting. Members remained in session except for Supervisor Wilcox who left the meeting at this time. Joy Rich, Director of Planning and Development, Darren Gerard, Principal Planner, and David Benton, County Counsel, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

**CONSENT AGENDA DETAIL:**

- |           |                   |  |
|-----------|-------------------|--|
| <b>1.</b> | <b>Z2002-141</b>  | <b>District 4</b>  |
|           | <b>Applicant:</b> | Sean Smith, Technical Solutions for Burlington Northern Santa Fe Railway   |
|           | <b>Location:</b>  | Approx. ½-mile northeast of U.S. Hwy. 60 near Birdsong Ave. & Center St. (in the Wittmann area)  |
|           | <b>Request:</b>   | Special Use Permit (S.U.P.) for a wireless communications facility in the Rural-43 W.H.S.C. Class 1 zoning district, Cellular Use District 1A for BNSF Wittman Communications Tower (0.06 acres) |

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**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of Z2002-141, subject to the following stipulations "a" through "p". Commissioner Harris seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development and use of the site shall be in substantial conformance with the site plan entitled "WITTMANN MICROWAVE SITE". Consisting of three (3) full-size sheets, stamped received January 6, 2003, except as modified by the following stipulations.
- b. Development and use of the site shall be in substantial conformance with the narrative report entitled "S.U.P. for a Replacement Microwave Communications Facility" consisting of four (4) pages, stamped received January 6, 2003, except as modified by the following stipulations.
- c. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Planning and Development Department staff may administratively approve minor changes.
- d. A status report including photos of the tower and facility shall be required within two (2) years of Board Approval, or when fully equipped and finished - whichever occurs first.
- e. Non-compliance with the plan of development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- f. Prior to drainage clearance for building permit, a drainage report must be submitted for review and approval by the Flood Control District.
- g. The ground equipment site will be walled in by an eight-foot (8') high CMU wall that includes a parking area within the site. The wall shall be painted to match the surrounding property in an effort to further comply with the Wickenburg Highway Scenic Corridor.
- h. Driveway and parking area must meet EPA requirements for dust control.
- i. B.N.S.F or successor will be permitted to place and maintain up to 6 microwave dishes at any height on the tower with a maximum radius not to exceed 10'.
- j. Two (2) additional microwave dishes with a maximum radius not to exceed 6' will be permitted at any height on the tower to service wireless communication carriers not associated with B.N.S.F.
- k. Two (2) additional wireless communication carriers not associated with B.N.S.F. will be permitted to locate on the tower at any height whether omni (low gain) or standard high gain cell antenna so long as the array shall be minimal in size and mountings. Under no condition shall antennas be attached to a catwalk type structure, but rather directly mounted to the lattice tower itself

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- l. All dishes and antenna arrays will be painted neutral in color to blend with surrounding area, and CMU wall located at the base of the monopole.
- m. The tower and all appurtenant equipment and structures will be painted in a neutral color designed to blend with the surrounding area.
- n. The tower together with all antennas and attachments will not exceed 120 feet in height as measured from base ground level.
- o. This Special Use Permit shall expire 20 years from the date of approval by the Board of Supervisors, upon expiration of the lease to the applicant(s), or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration. Any request for an extension shall be made at least six months prior to the expiration date.
- p. The two future carriers identified on the site plan will be allowed with a minor amendment to the site plan and can be administratively approved by staff of the Planning And Development Department.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to concur with the Planning Commission recommendation for approval, subject to stipulations "a" through "p."

**REGULAR AGENDA DETAIL:**

- 2.      Z2002-032      District 4**  
**Applicant:** Sydney Maddock, Buckeye Valley R.V. Resort, Inc.  
**Location:** Southwest corner of Hazen Rd. and S.R. 85 (in the Buckeye area)  
**Request:** Rezone from Rural-43 to C-2 P.D. (14.9 ac.) and C-3 P.D. (11.7 ac.) for Buckeye Valley R.V. Resort (26.6 acres)

**COMMISSION ACTION:** **Commissioner** Jones moved to recommend approval of Z2002-032, subject to the following stipulations "a" through "t". **Commissioner Harris** seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development of the site shall comply with the site plan entitled "Buckeye Valley R.V. Resort" consisting of twenty-one (21) full-size sheets, dated checked January 31, 2003 and stamped received March 11, 2003, except as modified by the following stipulations.
- b. Development shall be consistent with the narrative report entitled "Buckeye Valley RV Resort, LLC", consisting of sixteen (16) pages and stamped received March 11, 2003, except as modified by the following stipulations.
- c. Dedication of additional rights-of-way to bring the total half-width dedication to 65' for Hazen Road shall occur prior to zoning clearance.
- d. Provide ultimate half-width improvements for Hazen Road with curb, gutter and sidewalk per MDOT's Roadway Design Manual and minimum County Standards.

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- e. Dedication of additional rights-of-way to bring the total half-width dedication to 40' for Arena Boulevard along the west boundary of the site shall occur prior to zoning clearance.
- f. Provide half-width improvements for Arena Boulevard to minimum county standards.
- g. Provide right-turn and left-turn deceleration lanes on Hazen Road per a Traffic Impact Study approved by the Maricopa County Department of Transportation.
- h. Prior to construction, an Application for Approval to Construct for the water infrastructure system must be submitted to the Maricopa County Environmental Services Department for review and approval.
- i. Prior to construction, an Application for Approval to Construct for the wastewater infrastructure system must be submitted to the Maricopa County Environmental Services Department for review and approval.
- j. Prior to construction, an Application for Approval of a Trailer Coach Park must be submitted to the Maricopa County Environmental Services Department for review and approval. The submitted documentation must show compliance with the Maricopa County Environmental Health Code, Chapter 9, Trailer Coach Parks.
- k. The area requested for C-3 zoning is subject to a P.D. overlay (C-3 P.D. zoning district), and a precise Plan of Development will be required prior to any development. A precise plan must be submitted within three (3) years or the case may be revisited by the Planning and Zoning Commission for consideration and possible reversion of the zoning to Rural-43.
- l. A building permit must be submitted within three (3) years for the C-2 P.D. portion of the site or the case may be revisited by the Planning and Zoning Commission for consideration and possible reversion of the zoning to Rural-43.
- m. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation for landscaping or other improvements in the right-of-way.
- n. A building permit must be obtained within three (3) years for the C-2 P.D. portion of the site.
- o. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- p. An archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office prior to issuance of a Grading Permit. The applicant must contact the state office prior to initiating disturbance of the site. The applicant shall provide the Planning and Development Department with written proof of compliance with this stipulation.
- q. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department.

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- r. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- s. Major changes to this site plan (the site plan and narrative report) shall be process as a revised application in the same manner as the original application with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department. The movement of structures of buildings shall be construed as a revised application and shall require submittal to Luke Air Force Base for review and comment.
- t. Major changes to this site plan shall require the Citizen Participation Process of Section 305 of the Maricopa County Zoning Ordinance.

Joy Rich, Chief Public Works Officer, asked to take this item (#2) for rezoning, (Z2002-032), and the following item (#3) for a Special Use Permit, (Z2002-033), together as they are related in their ultimate use for a resort community. She gave details from the staff's research and the Planning Commission meeting. She indicated that Goodyear had originally had reservations about a senior community at this location but this is not listed for a seniors-only use. Ms. Rich said they had received notification yesterday for a similar use facility to be built within two miles of this location that has received approval from the City of Goodyear and said she had been asked to inform the Board of this fact. Staff and Planning Commission recommend approval with the stipulations "a" through "t."

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to concur with the Planning Commission recommendation for approval, subject to stipulations "a" through "t."

- 3. Z2002-033 District 4 Maricopa Integrated Health System**  
**Applicant:** Sydney Maddock, Buckeye Valley R.V. Resort, Inc.  
**Location:** Southwest corner of Hazen Rd. and S.R. 85 (in the Buckeye area)  
**Request:** Special Use Permit (S.U.P.) for an R.V. park in the Rural-43 zoning district for Buckeye Valley R.V. Resort (59 acres)

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of Z2002-033, subject to the following stipulations "a" through "r". Commissioner Harris seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development of the site shall comply with the site plan entitled "Buckeye Valley R.V. Resort" consisting of twenty-one (21) full-size sheets, dated checked January 31, 2003 and stamped received March 11, 2003, except as modified by the following stipulations.
- b. Development shall be consistent with the narrative report entitled "Buckeye Valley RV Resort, LLC", consisting of sixteen (16) pages and stamped received March 11, 2003, except as modified by the following stipulations.



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- c. Dedication of additional rights-of-way to bring the total half-width dedication to 40' for Arena Boulevard along the west boundary of the site.
- d. Provide half-width improvements for Arena Boulevard to minimum county standards.
- e. Prior to construction, an Application for Approval to Construct for the water infrastructure system must be submitted to the Maricopa County Environmental Services Department for review and approval.
- f. Prior to construction, an Application for Approval to Construct for the wastewater infrastructure system must be submitted to the Maricopa County Environmental Services Department for review and approval.
- g. Prior to construction, an Application for Approval of a Trailer Coach Park must be submitted to the Maricopa County Environmental Services Department for review and approval. The submitted documentation must show compliance with the Maricopa County Environmental Health Code, Chapter 9, Trailer Coach Parks.
- h. This Special Use Permit shall expire 30 years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements, shall be removed within 60 days of such termination or expiration.
- i. Status report every 5 years from B.O.S. approval.
- j. A Temporary Use Permit shall be required for any special events conducted at the equestrian center. The P.S. system will only be used in conjunction with special events.
- k. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation for landscaping or other improvements in the right-of-way.
- l. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- m. An archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office prior to issuance of a Grading Permit. The applicant must contact the state office prior to initiating disturbance of the site. The applicant shall provide the Planning and Development Department with written proof of compliance with this stipulation.
- n. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department.
- o. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Maricopa County Flood Control District may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

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- p. Major changes to this Special Use Permit (site plan and narrative report) shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- q. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- r. Major changes to this site plan shall require the Citizen Participation Process of Section 305 of the Maricopa County Zoning Ordinance.

Sidney Maddock, Buckeye Valley RV Resort, was present to answer any questions on these two items (3 and 4) but there were none.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to concur with the Planning Commission recommendation for approval, subject to stipulations "a" through "r."

- 4.      Z2002-083      District 1**
- Applicant:**      Withey, Anderson & Morris, P.L.C. for Valley of the Sun Memorial Park
- Location:**      Approx. ¼-mile west of Arizona Ave. on the north side of Chandler Heights Rd. - at the northeast corner of Chandler Heights Rd. & the Hartford Rd. alignment. (in the south Chandler area)
- Request:**      Special Use Permit (S.U.P.) for a cemetery (with mortuary) in the Rural-43 zoning district for Valley of the Sun Memorial Park (20.147 acres)

**COMMISSION ACTION:** Commissioner Smith moved to recommend approval of Z2002-083, subject to the following stipulations "a" through "o". Commissioner Harris seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development of the site shall be in substantial conformance with the site plan consisting of one (1) full-size sheet entitled "Valley of the Sun Memorial Park Special Use Permit", prepared by EEC, dated revised December 18, 2002 and stamped received December 26, 2002, except as modified by the following stipulations. The applicant shall submit a revised site plan within 30 days of Board of Supervisor's approval of the Special Use Permit that shows the City of Chandler corporate limit line 33' north of the section line.
- b. Development of the site shall be in substantial conformance with the narrative report consisting of seven (7) pages, entitled "Valley of the Sun Memorial Park", prepared by Withey Anderson & Morris, P.L.C., dated revised December 2002, and stamped received except as modified by the following stipulations.
- c. Major changes to this Special Use Permit (site plan and narrative report) shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Planning and Development Department staff may administratively approve minor changes.

- d. All outdoor lighting shall conform to Section 1112 of the Maricopa County Zoning Ordinance.
- e. Development shall include reasonable control measures to effectively prevent or minimize fugitive dust.
- f. A drainage clearance must be obtained prior to issuance of any building permits.
- g. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- h. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Commission to take action for revocation of the Special Use Permit in accordance with the Maricopa County Zoning Ordinance.
- i. The applicant shall submit a written report outlining the status of the development at the end of five (5) years from the date of approval by the Board of Supervisors to ensure compliance with the stipulations of the Special Use Permit approval. Additional status reports will be required every subsequent five (5) years.
- j. Prior to zoning clearance, the applicant shall submit an application to the Maricopa County Environmental Services Department for a public water system and receipt for a public water system and receipt of a public water system number.
- k. Prior to zoning clearance, the applicant shall submit an application the Maricopa County Environmental Services Department for design review of plans for the new public water system, including the well, booster pumps and storage tanks.
- l. Prior to zoning clearance, the applicant shall provide a letter from the applicable fire protection agency that the project meets applicable standards for fire protection.
- m. A decorative treatment, such as stucco, shall be applied to all sides of the mortuary building. All roof-mounted equipment associated with this building shall be shielded from ground-level view by a raised parapet or other architectural treatment. All ground-mounted equipment associated with this building shall be shielded from external view by landscaping and/or screen walls.
- n. A 24' pavement width must be provided from any driveway connection onto Hartford Road to the Chandler Heights Road connection, prior to the site utilizing access onto Hartford Road.
- o. A dust palliative, acceptable to the Maricopa County Environmental Services Department shall be applied to all unpaved parking and driveway surfaces to mitigate dust.

Joy Rich, Chief Public Works Officer, related background information on this case from the Planning Commission meeting. She said this Special Use Permit would add a mortuary to a cemetery that has

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been in existence since 1962. The applicant has addressed one minor local concern. Planning Commission and Staff recommend approval.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to concur with the Planning Commission recommendation for approval, subject to stipulations "a" through "o."

- 5. Z2002-127 District 4**  
**Applicant:** LVA Urban Design Studio for Kenneth J. Schroeder  
**Location:** Approx. the northwest corner of the proposed Agua Fria Blvd. & Happy Valley Rd. alignments (in the north Peoria area)  
**Request:** Rezone from Rural-43 to R-4 R.U.P.D., R-2 R.U.P.D., R1-6 R.U.P.D. and C-2 P.D. with a P.A.D. overlay zone for the entire site for Coldwater Ranch (203.4 acres)

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of Z2002-127, subject to the following stipulations "a" through "t". Commissioner Smith seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development of the site shall comply with the zoning exhibit entitled "Coldwater Ranch General Development Plan", consisting of three sheets, dated (revised) January 31, 2003, 2001, and stamped received February 18, 2003, except as modified by the following stipulations. Within 30 days of approval by the Board of Supervisors, the zoning exhibit shall be revised to show that the R.U.P.D. Overlay Zone will vary development standards by a maximum of 20%.
- b. Development of the site shall be in conformance with the narrative report entitled "Coldwater Ranch Residential and Commercial Development", consisting of 39 pages, dated (revised) January 31, 2003, and stamped received February 18, 2003, except as modified by the following stipulations. Within 30 days of approval by the Board of Supervisors, the Narrative Report shall be revised to show that the R.U.P.D. Overlay Zone will vary development standards by a maximum of 20%.
- c. The commercial zone in Coldwater Ranch is subject to a P.D. overlay (C-2 P.D. zoning district), and a precise Plan of Development will be required prior to any development.
- d. The entire site shall be subject to a Planned Area Development (P.A.D.) Overlay Zone. Zoning district boundary lines shall be reflected on the subdivision plats.
- e. The zoning for Coldwater Ranch shall expire in five (5) years from the date of approval by the Board of Supervisors if a final subdivision plat has not been approved. A request for extension must be received at least six months prior to the expiration date.
- f. The applicant shall provide a minimum of 10' wide multi-use trails within the power line easements on-site. The applicant shall provide at least two trails generally consistent with Figure 5 of the narrative report, a north-south trail from lot 19 in Parcel 3 to Happy Valley Road, and an east-west trail that provides access from west of the power line easement to near Parcel 7 (commercial parcel).

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- g. The applicant shall provide a minimum of 19.6 acres of open space exclusive of the Beardsley canal and the onsite power line easements. In the event that stipulation "f" cannot be met prior to any final plat approval, the applicant shall provide a total of 30 acres of useable open space (active recreation) exclusive of the Beardsley canal and the onsite power line easements.
- h. Coldwater Ranch shall have a maximum of 735 dwelling units.
- i. The following Department of Transportation stipulations shall apply to development of Coldwater Ranch:
  - 1. An approved traffic impact analysis shall be on file with the Maricopa County Department of Transportation. The analysis shall include development phasing and the offsite improvements necessary to accommodate the anticipated traffic demands. The analysis shall be updated with each phase to reflect exiting conditions and any changed to the development plan.
  - 2. That a developer contribution be provided for the proportionate share of offsite regional road improvements as recommended by MCDOT's Northwest Valley Transportation Study – 2020 Sensitivity Network, in the amount of \$4600 per equivalent dwelling unit (EDU). A single family detached home is defined as one EDU. A multifamily or attached home is defined as 0.75 EDU's. The assessment amount is based on contributions made in fiscal year 2002-2003. Contributions made each fiscal year thereafter shall be adjusted by the annual percentage change in the GDP Price Deflector as defined in Section 41-563, Subsection E of the Arizona Revised Statutes. Regional roadway improvements provided by the project developer will be credited against the calculated assessment based on the Developer's actual costs. Roadways shall meet county standards in effect at the time they are improved.
  - 3. That a developer contribution be provided for the proportionate share of offsite regional road improvements as recommended by MCDOT's Northwest Valley Transportation Study – 2020 Sensitivity Network, in the amount of \$4600 per equivalent dwelling unit (EDU) for the commercial component of this zoning request. For example, dependent upon use and intensity of the commercial development, the assessment could range from a low of 0.39 EDU for low intensity (manufacturing/storage) to a high of 1.24 EDU for high intensity retail (convenience market) per 1000 gross square feet of commercial building area at an on-site density of 25%. The assessment amount is based on contributions made in fiscal year 2002-2003. Contributions made each fiscal year thereafter shall be adjusted by the annual percentage change in the GDP Price Deflector as defined in Section 41-563, Subsection E of the Arizona Revised Statutes. Regional roadway improvements provided by the project developer will be credited against the calculated assessment based on the Developer's actual costs.
  - 4. Developer contribution for proportionate share of offsite regional roadway improvements is based upon 599 single family residential units and 336 multi-family residential units @ \$4600 per unit or 5.2 lane miles, whichever is the greatest value. The amount in this paragraph is based on contributions made in

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fiscal year 2002-2003. Contributions made each fiscal year thereafter shall be adjusted by the annual percentage change in the GDP Price Deflator as defined in Section 41-563, Subsection E of the Arizona Revised Statutes. Roadways shall meet county standards in effect at the time they are improved.

5. Maricopa County does not guarantee timing of regional roadway improvements. Developer is responsible for assuring paved access to their site at the time of the first final plat. Any improvements to the regional system necessary to provide paved access shall be credited to the developer's contribution referred to in item 2 above.
6. All identified offsite alignments must be consistent with a county approved transportation plan.
7. All-weather access shall be provided to all parcels and on all arterial roadways.
8. A minimum of two (2) access points shall be provided and available to each development phase and/or subdivision unit.
9. The location of any connections to Agua Fria Boulevard shall be reviewed and approved by Maricopa County Department of Transportation.
10. Applicant shall be responsible for submitting their arterial street network to the MAG Transportation Improvement Program for conformity analysis. Approval is required prior to commencing construction.
11. A development agreement of comparable document shall be executed within 90 days of preliminary plat approval. This agreement shall further detail transportation issues, including improvement phasing and cost share contributions for offsite regional roadway improvements.
12. Provide the following ultimate right-of-way dedications:
  - 65-foot half-width on El Mirage Road.
  - 65-foot half-width (130-foot full-width) on Happy Valley Road.
  - 80-foot minimum full width on Honeysuckle Drive (or as recommended in approved traffic impact analysis).
13. The Applicant is responsible for acquisition of all required rights-of-way.
14. North Commercial Street, as shown, poses significant operational concerns regarding intersection spacing and median break. Street should be revised to right-in & right-out access only on Agua Fria Boulevard or approval from City of Peoria for median break.
15. Street layout for parcel 4 has only one access.
16. Roadways shall be constructed to county standards in effect at the time they are improved, to the appropriate classification as indicated in an approved Traffic analysis.

17. A revised Traffic Impact Study is under review at this time.
18. Private streets, if proposed, are required to meet minimum County standards, unless waived by the Board of Supervisors.
19. An underground conduit system (or comparable technology) shall be provided within the right-of-way throughout the development to integrate traffic signals and for future ITS uses.
20. Provide neighborhood access to commercial areas by means other than using the arterial street network.
21. Use of neighborhood electric vehicles shall be accommodated in this development. Routes and other design features shall be established as necessary, to provide safe and efficient circulation in conformance with prevailing laws and requirements at time each phase is submitted for approval.
22. Bike lanes shall be included on all arterial and major collector alignments. A bicycle circulation plan shall be provided with each phase of development.
23. Development should be designed to promote pedestrian and bicycle use and other alternative modes of transportation to public facilities within and adjacent to the site, (e.g. bus bays, park-and-ride lots, internal trail systems).
24. Street lighting installation shall be the responsibility of the developer. A Street Light Improvement District or comparable authority shall be established to provide operation and maintenance.
25. Landscaping shall conform to Chapter 9 of the MCDOT Roadway Design Manual. Maintenance of landscaping within public right-of-way shall be the responsibility of the applicant.
26. Offsite alignments where only two lanes are constructed, the minimum half-width right-of-way shall be acquired. Once a phase requires additional widening of the roadway beyond two lanes, the minimum full-width right-of-way shall be acquired. These widths are minimums and wider rights-of-way may be necessary due to existing terrain.
27. Median improvements, curb and gutter, sidewalk, landscaping or signalization is required on perimeter roads, unless otherwise specified herein or in the agreement.
28. A construction traffic circulation plan shall be provided and approved by the Maricopa County Department of Transportation prior to commencing construction.
29. Applicant shall employ appropriate procedures during construction to comply with Maricopa County dust control requirements.

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30. This project is subject to National Pollutant Discharge Elimination System (NPDES) Stormwater requirements for construction sites under the Environmental Protection Agency (EPA) General Permit for Arizona. Applicant is responsible for complying with these requirements.
- j. Prior to or concurrent with the submittal of a preliminary plat for any portion or phase of this development, a preliminary landscape plan is to be submitted. Landscaping in common areas shall largely limit turfing areas to active recreational areas. Passive recreational areas shall largely use plants listed on the Phoenix Active Management Area Low Water Use Plant List.
  - k. Prior to final subdivision plat approval, the applicant shall provide a signed and recorded Development Agreement with the Peoria Unified School District.
  - l. Prior to any final plat approval, a master water and sewer plan submitted by Arizona American Water Company for the Aqua Fria Division regional planning area shall be submitted to and approved by the Maricopa County Environmental Services Department.
  - m. Prior to any final plat approval, off-site sewer and water plans that support the entire project must be approved by the Maricopa County Environmental Services Department.
  - n. Prior to any final plat approval, on-site water and sewer plans for each plat must be approved by the Maricopa County Environmental Services Department .
  - o. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
  - p. An archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office prior to issuance of a Grading Permit or approval of a Final Plat. The applicant must contact the state office prior to initiating disturbance of the site. The applicant shall provide the Planning and Development Department with written proof of compliance with this stipulation.
  - q. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department.
  - r. When possible, all transformers, back-flow prevention devices, utility boxes and all other utility-related, ground-mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All H.V.A.C. units shall be ground-mounted.
  - s. Major changes to the R.U.P.D. plan (site plan and narrative report) shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department.
  - t. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take



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action for revocation of zoning approval in accordance with The Maricopa County Zoning Ordinance.

Joy Rich, Chief Public Works Officer, reported that one letter of opposition had been received from PORA objecting to the density of 4.7 dwelling units per acre. She reported on the background information discussed at the Planning Commission hearing including changes they made to several stipulations. Supervisor Stapley asked about lot size, and Ms. Rich agreed that Planning Commission had increased the lot-size from the applicant's proposed size but that it still allowed an additional 20% reduction under what is usually allowed in the District.

Clerk of the Board, Fran McCarroll, said she had received notification from Supervisor Kunasek that, while he is not at this meeting, he wanted it to be known that he does have a conflict of interest on it and has not conferred on this issue and will not deliberate on any further action the Board may take on this case.

Paul Gilbert, representing the applicant, said that the White Tanks/Grand Avenue Regional Plan designates this area's density to be between 3.5 and 5 units per acre and at 4.7 units this application does fall within that designation. But he indicated that the applicant has agreed to reduce the density by 168 units (a .86 reduction) along with several other changes that have been requested by Supervisor Wilson and are reflected in the amended stipulations below. He distributed a set of his preferred stipulations which also contain three new ones "u" "v" and "w" and said that he has shown this to Planning staff, who have no objections. He explained that the reduction of 168 units comes from the multi-family portion and results in an "overall maximum density of 767 units" (from the originally requested total of 906 units). He related that this area lacks transportation infrastructure and each buyer will be assessed approximately \$4,600 to finance transportation improvements.

Supervisor Stapley asked, "What is the overall density per acre for the entire 200+ acres?" Mr. Gilbert responded that it would be 3.93. Supervisor Stapley said, "and, if you took out the multi-family portion?" Mr. Gilbert said that is included and 3.93 is the overall density with the reduction they propose. Supervisor Stapley asked if it includes the wash and power-line easement? The response was "yes and it excludes the commercial parcel." It was concluded that in taking only the single-family component, including the unusable open space, there would be approximately 3.5 housing units per acre and so well within the range allowed.

Tom Buick, Director of MCDOT, said that the issue of equivalent units centers around the amount of travel that is generated by a family living in the various types of units and would vary from a unit of "1" to a unit of .69 to .75. He indicated that .69 represents an opportune consistency in the Northwest Valley area and avoids rearguing the subject for each additional zoning request in the future.

Supervisor Wilson said that a lot of effort has gone into this case and he believes it is where it should be to make everyone "not too sad and a little bit happy."

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) to concur with the Planning Commission recommendation for approval, subject to stipulations "a" through "t" with revised stipulations "a", "b", "h", "i.2" and "i.11" plus new stipulations "u", "v" and "w" presented by Mr. Gilbert, as shown below.

- a. Development of the site shall comply with the zoning exhibit entitled "Coldwater Ranch General Development Plan", consisting of three sheets, dated (revised) January 31, 2003, 2001, and stamped received February 18, 2003, except as modified by the following

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~~stipulations. Within 30 days of approval by the Board of Supervisors, the zoning exhibit shall be revised to show that the R.U.P.D. Overlay Zone will vary development standards by a maximum of 20%.~~

- b. Development of the site shall be in conformance with the narrative report entitled "Coldwater Ranch Residential and Commercial Development", consisting of 39 pages, dated (revised) January 31, 2003, and stamped received February 18, 2003, except as modified by the following stipulations. ~~Within 30 days of approval by the Board of Supervisors, the zoning exhibit shall be revised to show that the R.U.P.D. Overlay Zone will vary development standards by a maximum of 20%.~~
- h. Coldwater Ranch shall have a maximum of ~~735~~ 767 dwelling units.
- i.2 That a developer contribution be provided for the proportionate share of offsite regional road improvements as recommended by MCDOT's Northwest Valley Transportation Study - 2020 Sensitivity Network, in the amount of \$4600 per equivalent dwelling unit (EDU). A single family detached home is defined as one EDU. A multi-family or attached home is defined as ~~0.75~~ 0.69 EDU's. The assessment amount is based on contributions made in fiscal year 2002-2003. Contributions made each fiscal year thereafter shall be adjusted by the annual percentage change in the GDP Price Deflector as defined in Section 41-563, Subsection E of the Arizona Revised Statutes. Regional roadway improvements provided by the project developer will be credited against the calculated assessment base on the Developer's actual costs. Roadways shall meet county standards in effect at the time they are improved.
- i.11. A development agreement ~~of~~ or comparable document shall be executed ~~within 90 days of preliminary prior to final~~ plat approval. This agreement shall further detail transportation issues, including improvement phasing and cost share contributions for offsite regional roadway improvements.
- u. The request for R-4 R.U.P.D. zoning for the 16.8-acre multi-family site (Parcel 1) shall be denied as filed and approved for R-2 R.U.P.D. zoning. Parcel 1 shall utilize the R.U.P.D. standards noted for R-2 zoning on page 6 of the narrative report dated January 31, 2003, with the Average Lot Area Per Dwelling Unit reverting back to the base R-2 district standard of 4,000 square feet.
- v. The following note shall be added to Table 2, Residential Unit Plan of Development (RUPD) Standards, located on page 6 of the narrative report dated January 31, 2003: All lots on the corner of a local/local intersection or local/collector intersection shall have a minimum 15-foot front setback.
- w. The following amenities shall be provided within the open space areas (excluding the power corridor):
  - 1. One (1) Little League sized baseball field;
  - 2. One (1) sand volleyball court;
  - 3. One (1) soccer/multi-purpose field;
  - 4. One (1) exercise course, to include a minimum of six (6) exercise stations;
  - 5. Two (2) basketball courts;
  - 6. One (1) tot lot / playground area; and

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7. Seven (7) picnic ramadas distributed throughout the project.
6. **Z2002-134**      **District 1**  
**Applicant:**      Stacy Perna, for S.R.P. Telecom  
**Location:**      Near the intersection of Higley Rd. & the Roosevelt Water Conservation District south-side canal road (in the south Gilbert area)  
**Request:**      Special Use Permit (S.U.P.) for a wireless communications facility in the Rural-43 zoning district, Cellular Use District 1 for Higley/RWCD Canal S.R.P. Wireless Facility (0.008 acres)

**COMMISSION ACTION:** Commissioner Smith moved to recommend approval of Z2002-134, subject to the following stipulations "a" through "i". Commissioner Harris seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development and use of the site shall be in substantial conformance with the site plan entitled "REQUEST FOR A SPECIAL USE PERMIT FOR A NEXTEL WIRELESS CARRIER FACILITY AT HIGLEY/RWCD CANAL". Consisting of one (1) full-size sheet, stamped received January 9, 2003, except as modified by the following stipulations.
- b. Development and use of the site shall be in substantial conformance with the narrative report entitled "Project Narrative" consisting of six (6) pages, stamped received January 9, 2003, except as modified by the following stipulations.
- c. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Planning and Development Department staff may administratively approve minor changes.
- d. Non-compliance with the plan of development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- e. No antenna arrays shall be greater than six feet (6') in width. Failure to comply with antenna array width shown on the approved site shall constitute non-compliance with the plan of development and shall be considered a zoning code violation. Immediate removal of the offending antenna array shall then be required, and a Major Amendment shall be required before a larger antenna array would be permitted.
- f. Prior to construction a drainage clearance must be obtained from the Flood Control District of Maricopa County.
- g. This Special Use Permit shall expire 20 years from the date of approval by the Board of Supervisors, upon expiration of the lease to the applicant(s), or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration. Any request for an extension shall be made at least six months prior to the expiration date.
- h. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or

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the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

- i. Non-compliance of the conditions of approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance, including revocation of the Special Use Permit.

Joy Rich, Chief Public Works Officer, reported on the background of this case at the Planning Commission hearing. She said it had been referred to Gilbert but the town has not responded. Staff and the Planning Commission recommend approval.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to concur with the Planning Commission's recommendation for approval subject to stipulations "a" through "i."

- 7. Z2002-138 District 4**  
**Applicant:** Tom Hill, SunCor Development Company  
**Location:** Southeast corner Bethany Home Rd. and Litchfield Rd. (in the west Glendale/Litchfield Park area)  
**Request:** Rezone from Rural-43 and C-3 to C-2 PD

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of Z2002-138, subject to the following stipulations "a" through "e". Commissioner Harris seconded the motion, which passed with a unanimous vote of 6-0.

- a. Prior to development of the site, a Precise Plan of Development shall be submitted. The Plan of Development shall be consistent with the Rezoning Site Plan (Concept Plan) entitled "Bethany Home and Litchfield site plan", consisting of one (1) full-size sheet, dated August 2002 and stamped received February 4, 2003.
- b. Development of the site shall comply with the narrative report entitled "Rezoning Southeast Corner of Bethany Home & Litchfield Roads", consisting of two (2) pages, stamped received February 4, 2003, except as modified by the following stipulations. A precise narrative report shall be submitted with submittal of the precise plan referenced in stipulation 'a'.
- c. After zoning approval but prior to site development approval, the owners or agents of the property within the Planned Development (PD) Overlay Zone must submit a Precise Plan of Development to the Flood Control District of Maricopa County for review and approval. This submittal must include a drainage report along with paving and grading plans, which show an overview of the drainage for the entire site, including off-site runoff peak flows as they might affect the site. Approximate on-site sub-drainage areas and retention calculations for each sub-drainage area, and drainage arrows indicating flows to the appropriate drainage facilities. The paving and grading plans and the drainage report are required to be stamped and sealed by an Arizona Registered Professional Civil Engineer.

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- d. Prior to zoning clearance, the applicant shall provide satisfactory evidence to Maricopa County Environmental Services that a Commercial Association has been formed and that the Association is capable of maintaining the on-site sewer system.
- e. All habitable buildings constructed upon this property shall be constructed to attain a noise reduction level as per ARS 28-8482.

Joy Rich, Chief Public Works Officer, reported on the background of this case and said that both staff and the Planning Commission recommend approval with stipulations.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to concur with the Planning Commission's recommendation for approval subject to stipulations "a" through "e" given above.

- 8. Z2002-163 District 4**
- Applicant:** Mark Miller for Todd and Associates and The Ryerson Company  
**Location:** 19303 New Tradition Rd. (in the Sun City West area)  
**Request:** Major Amendment to a Special Use Permit (S.U.P.) for a progressive group care facility in the R-5 S.C. S.U.P. zoning district for Heritage Legacy (12.5 acres)

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of Z2002-163, subject to the following stipulations "a" through "m". Commissioner Harris seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development of the site shall be consistent with the site plan entitled "The Heritage Legacy in Sun City West" consisting of four (4) full size sheets prepared by Todd and Associates dated revised March 10, 2003 and stamped received March 10, 2003, except as modified by the following stipulations.
- b. Development of the site shall comply with the narrative report entitled "Amendment Narrative Report for Heritage Legacy", consisting of six (6) pages prepared by Todd and Associates, dated February 10, 2003 and stamped received February 10, 2003, except as modified by the following stipulations.
- c. The Special Use Permit shall expire at the end of 30 years from the date of Board of Supervisors approval. Any request for extension must be received at least six months prior to the expiration date.
- d. The property owner shall submit a written report outlining the status of this development at the end of two (2) years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff, which may accept the report, require additional information, or schedule the report for review by the Planning and Zoning Commission.
- e. Drainage clearance must be obtained in conjunction with a building permit. Prior to drainage clearance, the applicant must clarify the use of drywells on the site. The site plan (for building permit and drainage clearance) must indicate the location of all drywells and must include drywell details. The Arizona Department of Environmental Quality (ADEQ) requires that all drywells be permitted through their office. The Drainage Regulations for Maricopa County require that proof of drywell registration and ADEQ approval be submitted to the Flood Control District of Maricopa County prior to issuance of a drainage clearance.

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- f. Concurrent with the application for building permit for the Assisted Living Facility, the property owner shall also submit construction plans to the Sun City West Fire District for review. Any revisions to the construction plans required by the fire district shall be presented to Planning and Development for additional review prior to permit issue.
- g. There shall be no construction work on the site prior to 6:00 AM or after 6:00 PM.
- h. Prior to zoning clearance, the property owner shall provide evidence that the additional residences approved under this request have been included in the membership of Sun City West PORA.
- i. All applicable stipulations of cases Z 95-02 and Z 95-02A shall remain in effect.
- j. All habitable buildings constructed upon this property shall be constructed to attain a noise reduction level as per A.R.S. § 28-8482(B).
- k. Major changes to this Plan of Development (site plan and narrative report) shall be processed in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- l. Non-compliance with the Plan of Development (site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with the provisions of the Maricopa County Zoning Ordinance.
- m. The southern driveway along Woodside Drive that is adjacent to Lot 71 of Sun City West Unit 60 shall be limited to right-in, left-in and right-out turn movements. (This stipulation was removed by the motion of the Board.)

Joy Rich, Chief Public Works Officer, said this major amendment to the Special Use Permit in the Sun City West area and is recommended for approval by staff and the Planning Commission with stipulations and with the deletion of stipulation "m" at the recommendation of MDDOT.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to concur with the Planning Commission's recommendation for approval subject to stipulations "a" through "l" and with stipulation "m" removed.

- 9. TA2003-001 All Districts**  
**Applicant:** Commission Initiative  
**Request:** Amendment to the Maricopa County Development Master Plan Guidelines to clarify that changes or alterations to adopted stipulations requires an application for a Major Amendment to the approved Development Master Plan.

**COMMISSION ACTION:** Commissioner Harris moved to recommend approval of TA2003-001. Commissioner Jones seconded the motion, which passed with a unanimous vote of 6-0.

Joy Rich, Chief Public Works Officer, said this Text Amendment to the County's Development Master Plan Guidelines is to clarify that any requested change to a stipulation previously approved by the Board

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of Supervisors will require a Major Amendment to the approved Development Master Plan and reapproval by the Board to incorporate the amended text.

In the Development Master Plan Guidelines Document, amend the section entitled "Amending a Development Master Plan" found on pages 14 and 15, by adding the following to the list of criteria that would be deemed a major amendment:

**6. ANY CHANGE OR ALTERATION TO ANY BOARD OF SUPERVISORS APPROVED STIPULATION OF APPROVAL.**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to concur with the Planning Commission's recommendation for approval.

**MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned.

\_\_\_\_\_  
Fulton Brock, Chairman of the Board

ATTEST:

\_\_\_\_\_  
Fran McCarroll, Clerk of the Board